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ABSTRACT

The Hearing before the Committee on Education and the Workforce was held May 20, 1999. The hearing lists statements by educators, elected officials, and the Colorado Commissioner of Education on the Academic Achievement for All proposal, the Straight A's proposal. This proposal gives states a choice: they can either continue operating federal education programs as before, or, at their option, they can combine certain K-12 federal education funds in exchange for strict academic accountability. Straight A's does not eliminate any K-12 programs and, in many respects, is modeled after Texas' successful state accountability system where performance and results are central. Appendices list written statements by the participants. (DFR)

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ACADEMIC ACHIEVEMENT FOR ALL: INCREASING FLEXIBILITY AND IMPROVING STUDENT PERFORMANCE AND ACCOUNTABILITY

ED 443 186

HEARING

BEFORE THE

COMMITTEE ON EDUCATION AND THE WORKFORCE HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTH CONGRESS

FIRST SESSION

HEARING HELD IN WASHINGTON, DC, MAY 20, 1999

Serial No. 106–41

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Committee on Education and the Workforce

Hearing on "Academic Achievement For All: Increasing Flexibility and Improving Student Performance and Accountability"

Thursday, May 20, 1999

2175 Rayburn House Office Building

House of Representatives

Washington, D.C.

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Committee on Education and the Workforce
Hearing on "Academic Achievement For All: Increasing Flexibility and Improving Student Performance and Accountability"
Thursday, May 20, 1999
2175 Rayburn House Office Building
House of Representatives
Washington, D.C.

The committee met, pursuant to call, at 9:30 a.m., in Room 2175, Rayburn House Office Building, Hon. William F. Goodling [chairman of the committee] presiding.

Present: Representatives Goodling, Petri, Hoekstra, McKeon, Castle, Talent, Norwood, Schaffer, Deal, Ehlers, Tancredo, DeMint, Isakson, Clay, Miller, Kildee, Martinez, Owens, Payne, Andrews, Roemer, Scott, Woolsey, McCarthy, Tierney, Kind and Wu.

Staff Present: Robert Borden, Professional Staff Member; Becky Campoverde, Communications Director; Pam Davidson, Legislative Assistant; Victor Klatt, Education Policy Coordinator; Sally Lovejoy, Senior Education Policy Advisor; Michael Reynard, Media Assistant; Jo-Marie, St. Martin, General Counsel; Kent Talbert, Professional Staff Member; Kevin Talley, Staff Director; Christie Wolfe, Professional Staff Member; Shane Wright, Legislative Assistant; Dan Lara, Press Secretary; Kirsten Duncan, Staff Assistant; Gail Weiss, Minority Staff Director; Mark Zuckerman, Minority General Counsel; June Harris, Minority Education Coordinator; Alex Nock, Minority Legislative Associate, Education; Mary Ellen Ardouny, Minority Legislative Associate, Education; and Roxana Folescu, Minority Staff Assistant, Education.

Chairman Goodling. Ladies and gentlemen, I am pleased to welcome our Members, witnesses and other guests to our hearing this morning on the Academic Achievement for All proposal, the Straight A's proposal.

The Straight A's proposal gives states a choice. States can either continue operating federal education programs the old way, or at their option they can try something new. I want to emphasize the word "optional." The new thing they could do is combine certain K-12 federal education funds in exchange for strict academic accountability.

For too long there has been little or no true academic accountability in federal education programs. This proposal would bring quality, performance and academic results onto center stage. In exchange, a proportionate amount of flexibility would be granted to the states. Straight A's recognizes that states and school districts may have better ways to achieving academic results. In many respects, this would be modeled after Texas's successful state accountability system where performance and results are central.

The President, Secretary Riley and many others have been arguing in past weeks and days for more accountability. Well, this is it. It's accountability for academic achievement for all groups of students; and it's flexibility for combining funds.

The Governors support the concepts incorporated into Straight A's. Governor Gray Davis, a Democrat of California, for example, in talking about academic accountability on Meet the Press agreed to be held accountable for student performance if the federal government would give the Governors the flexibility to get the job done. And the 1999 agenda for the National Governors Association calls for changing the Elementary and Secondary Education Act so states can more effectively coordinate state and local education programs with the federal programs. The Straight A's proposal would promote better coordination by allowing funds to be combined and used for any education purpose permitted by state law.

Groups as diverse as the Heritage Foundation on the right, to the Education Leaders Council and the Progressive Policy Institute in the middle, to the Education Trust on the left have all expressed keen interest in the concepts in this proposal. Some of these have endorsed the proposal, while others continue to review it, but there is great interest in it.

Some may argue that Straight A's is a back-door way to take Title I money from the poor. That is not true. Under the proposal, the amount of Title I money received at the school district level would at least be what it was the preceding year. In addition, academic accountability would apply to all groups of students and be disaggregated as set forth in Title I for each of the groups.

In summary, Straight A's is optional. It does not eliminate any K-12 program. It just gives states a different approach to consider, and it links freedom in managing federal education dollars to strict academic accountability.

Finally, I would like to welcome each of our witnesses to the hearing this morning and thank them for taking time to be with us.

See Appendix A for the Opening Statement of the Honorable Bill Goodling

Chairman Goodling. At this time I would turn to the Ranking Member for any statement he might have.

Mr. Clay. Thank you, Mr. Chairman.

Mr. Chairman, I am concerned that Super Ed-Flex is simply another way of block-granting federal money without providing for accountability. This superwaiver bill sounds like a block grant dressed up for a summer block party.

A responsible answer to our schools' problems is the Administration's Comprehensive Elementary and Secondary Education Act which President Clinton and Secretary Riley will send to Congress this week. This legislation will help communities by raising academic performance through smaller class sizes, by ensuring every classroom has a highly qualified and fully certified teacher, and holding schools accountable for achieving high academic standards, and by helping every school become safe and disciplined.

Mr. Chairman, I think Congress should use its influence and resources to help inferior schools become superior schools. We do not need quick fixes like superwaivers. We need accountability and results. We need smaller class size and qualified and certified teachers in every classroom, and we need to replace dilapidated and crumbling schools, and we need schools that teach to high standards. Unfortunately, the emphasis on superwaiver flexibility, blank check giveaways, private voucher systems and block grant provisions will not provide schools, parents and teachers the change they so urgently seek.

Mr. Chairman, I hope that you will allow our Members to continue the bipartisan work on improving our ESEA without being distracted by quick-fix proposals like this so-called Super-Ed waiver. I yield back the balance of my time.

Chairman Goodling. Our witnesses today are Dr. Chester E. Finn, Jr., president, Thomas B. Fordham Foundation, Washington, D.C. Dr. Finn is the president of the Thomas B. Fordham Foundation and a John M.. Olin fellow at the Manhattan Institute. He is also a former Assistant Secretary for Research and Improvement at the Department of Education during the Bush administration and is a founding partner and senior scholar at the Edison Project.

The Honorable Bret Schundler, mayor, Jersey City, New Jersey. Mayor Schundler has been a mayor of Jersey City since 1992. Throughout his tenure he has been known as a big supporter of education reform.

Dr. William Moloney, commissioner of education, Colorado Department of Education, Denver, Colorado. Dr. Moloney is the commissioner of education for the State of Colorado as well as a member of the Education Leaders Council, an organization representing several reform-minded chief State school officers. He is also a member of the National Assessment Governing Board, which sets policy for the national assessment of educational progress.

The Honorable Ralph M. Tanner, Kansas State representative, district 10, Baldwin City, Kansas. Representative Tanner represents the 10th district in the Kansas State Legislature and is the chairman of the house committee on education. His expertise in education stems from a long career in education both in the political and nonpolitical arenas. He is here today representing the National Conference of State Legislatures.

Ms. Jennifer A. Marshall, education policy analyst, Family Research Council, Washington, D.C. Ms. Marshall is an education policy analyst for the Family Research Council where she is responsible for monitoring current education policy and coordinating grass-roots communications with regard to education. The Family Research Council is part of a larger group known as the EXPECT Coalition, an alliance of reform-minded organizations seeking excellence in education for parents, children and teachers.

If you will all come around the table, those that aren't here yet hopefully will be joining us as you testify. We have a little clock system. Most of you know about that. When the green light is on, that is start; when the yellow light is on, that is slow down; and when the red light is on, it is time to finish your remarks. If you want to summarize your remarks, that will be fine. All of your remarks will be included in the record.

Chairman Goodling. And we will start according to the way that you are seated. Dr. Finn.

STATEMENT OF DR. CHESTER E. FINN, JR., PRESIDENT, THOMAS B. FORDHAM FOUNDATION, WASHINGTON, D.C.

Dr. Finn. If I may take one minute to call the committee's attention to an urgent matter. Yesterday, we learned that the Commissioner of Education Statistics, Pascal Forgione, has resigned under pressure from the Secretary's office and the White House. He had been doing a terrific job and was the obvious candidate for reappointment to another term, but he was forced out because he had the gumption to protest Vice President Gore's attempt to make political hay from the release of NAEP results.

Protecting federal education statistics from politicization is one of the most important tasks in Washington. The fact that Forgione was let go for vigorously safeguarding the integrity of federal education statistics is a great pity. It sends a very bad signal, and I encourage the committee to take this very seriously in its consideration of that matter.

Chairman Goodling. Thank you.

Mr. Finn. On to Straight A's.

The administration's ESEA proposal unveiled yesterday helps to frame the discussion, as did yours and Mr. Clay's opening remarks. The committee now has before it two starkly contrasting approaches to the renewal of ESEA and two sharply differing views of the proper federal role in K-12 education. The administration has decided that Washington knows best. It would tighten 1,000 federal screws on the sates, local school systems, and individual schools. It would, in many respects, federalize public education in the U.S. I think it is a bad proposal for many reasons, but it does contain a clear image of the federal role, which we could term "make the sates do what we tell them because we know best what will work for kids."

The Straight A's proposal represents a very different view. It loosens the screws. It trusts the states to use their federal money wisely in pursuit of better education, but it insists that the states produce and demonstrate results; that academic achievement actually rise, particularly for poor and disadvantaged children.

The Administration's plan claims to impose accountability, but it does so primarily by regulating inputs and procedures. The Straight A's proposal also imposes accountability, but its strategy is freedom, innovation and diversity. It respects the 10th amendment and places the states clearly in charge. It isn't naive, though. It follows the old arms control maxim: Trust but verify. It trusts the states with the money, but it insists on verification of their results.

For federal policy, Straight A's would represent an historic shift from a preoccupation with inputs to a laser-like focus on results, from the regulation of how the

money is spent to a clear insistence that higher achievement actually be produced. Straight A's is not a traditional block grant proposal. They just put the money on the stump. They trust, but they don't verify. It's more like the logic of a charter school, which is given great freedom for a limited period of time on condition that it produces educational results during that period of time. Washington, under Straight A's, would take the same approach to participating states and districts.

I say participating states and districts because Straight A's would be voluntary. A state decides whether it wants to take its federal money this way or in the traditional categorical way. Straight A's is actually a much higher risk for the state. Think of the embarrassment of setting explicit achievement targets and then not reaching them. Many states will likely prefer the comfort of the old categorical approach.

Straight A's is not meant as an alternative for all states. It's meant as an option. It coexists with the categorical programs; however, the Congress may revise them. You could actually enact the administration's plan and Straight A's. I know it sounds schizophrenic, but it would give states a clear set of alternatives and would set up a very interesting experiment with two different approaches, an experiment from which we might learn a great deal between now and the next reauthorization cycle.

Some experimentation would not be a bad thing. The administration seems far too confident that it knows what works. I look at 34 years of ESEA history to conclude that we are a long way from being sure what will work in every corner of this big, diverse country, particularly with respect to the education of disadvantaged children. Maybe we should try more than one approach. Maybe Congress should give states some alternatives. The administration's proposal isn't the only other set of ideas around. The Progressive Policy Institute has recently come forth with an interesting ESEA proposal. The Great City Schools have. Diane Ravitch has. Consider letting several flowers bloom.

One more point about Straight A's. There is talk of building hold-harmless requirements into it, particularly with the Title I dollars. I believe this would so seriously weaken the Straight A's idea that states would then not want to bother with it. Title I represents two-thirds of the money that a state might put into its Straight A's package. If that money is tied up with formulas, input controls, and other spending requirements, the remaining flexibility for the state will be too minimal to provide enough leverage to produce improved results. Remember how little leverage the whole federal piece of a state's education budget provides in the first place; 7 percent isn't much, and Straight A's doesn't even involve the whole 7 percent.

So please resist the temptation to go back to regulating inputs. Shun set-asides. Eschew hold-harmless provisions. Let states and districts free. Trust them, but verify. Make them show their results. Be fussy about how they show those results. Be just as fussy about the results shown by other approaches to ESEA. Evaluate the heck out of all of them, and let's try to make something work for a change. Thank you.

Chairman Goodling. Thank you.

See Appendix B for the Written Statement of Dr. Finn

Chairman Goodling. Mayor Schundler.

STATEMENT OF THE HONORABLE BRET SCHUNDLER, MAYOR, JERSEY CITY, NEW JERSEY

Mr. Schundler. I want to thank you for inviting us down.

I am speaking now as a mayor. We would like to see cities, at least large cities, be able to directly have the ability to elect to participate in this program. It is a very good program. I think many state governors will choose to have the money come this way and be held directly accountable for results, but I would like to see the ability at the city level in the event that a certain state decides not to take this option, we could still elect to take this option.

I think what you find at the local level of government is significantly less partisan than what you see in Congress and at the state level of government. Those of us at the local level, people don't care so much what party you are, they just care that you do something that works. They don't care how you get it done, they just care that you get it done. My city is almost all Democrats. I happen to be a Republican. There are other cities where you see the reverse in place. The bottom line is that people care that you get the job done.

I can't tell you how frustrating it is to be a local official, or for that matter a teacher in a classroom, to be able to see problems that you know you could solve if you had the freedom to use your own intelligence and create a program tailor-made to the needs of children that are not being well met today, but you can't do it because of restrictions that say that you have to take this approach even if that approach is not working.

In my own city, we became the first city in the United States of America to be taken over by a state government and have the district directly administered by the state government. That took place in 1989, several years before I came into office. Since the state has come in, 10 years have expired. We have increased our budget from $180 million to $380 million. We have seen almost no improvement in test scores. We have seen no improvement in graduation rates. We have seen an increase in violence. That is not because the state has come in that we have seen that increase in violence, but what I am suggesting is that for all of the improvement in compliance with state regulations, they have not tried to do anything differently than what they were doing before. They are pursuing a failed model, and they are pursuing it with extreme punctiliousness relative to state regulations, but it is not working.

It is time to have some respect for the actual professionals in the classroom, for the administrators who are there in the communities, and to allow them to do things in an innovative fashion and be held accountable for results instead of just by regulation. I think that is what this legislation is intended to do, and it specifically concerns itself with the young people in our school systems who are most at risk of dropping out and failing, those children who need remedial assistance.

We should give the professionals the freedom and the financing they need to be successful and then hold them accountable. I think that is what this legislation is intending to do, and I can speak on behalf of those at the local level who see the problems and are pained by the inability to address them in a way that makes sense, and we would like to have the freedom to make sure that these children get the help that they need.

Chairman Goodling. Thank you, Mayor.

See Appendix C for the Written Statement of Mayor Schundler

STATEMENT OF DR. WILLIAM MOLONEY, COMMISSIONER OF EDUCATION, COLORADO DEPARTMENT OF EDUCATION, DENVER, COLORADO

Mr. Moloney. Mr. Chairman and members of the committee, thank you for asking me to be here today.

As a member of the board of the Education Leaders Council, I am also speaking on behalf of the group the State of Colorado joined along with colleagues in Pennsylvania, Florida, Michigan and Arizona because we knew that public education could not stand business as usual, and that included business-as-usual organizations, hence the ELC.

I have worked in six states. In every one of them I have been responsible for the Elementary and Secondary Education Act, and I must say that we need something dramatically different. In Colorado we have a reform program built by members of both parties that is one of the best in the nation. I know this from the perspective also of the National Assessment Governing Board on which Secretary Riley honored me by three appointments. And yet what we are doing in Colorado and where we have seen heartening progress among our poorer schools, I must tell you that federal education programs have been missing in action. They have not only failed to contribute to what needed to be done, but they actively stood in the way.

Many of you have heard of Bessemer Elementary School in Pueblo, Colorado. Paul Harvey, USA Today and others made it famous. This 88 percent minority school in the first cycle of our rigorous testing had a pass rate in reading of 12 percent, in writing of 2 percent. And yet those teachers, publicly mortified, knew that they could do what needed to be done, and they began to make a revolution. Today their scores in reading have moved from 12 to 64 percent; in writing from 2 to 48 percent.

They came to me and said, is there any help with federal monies, and I had to say to them no, I am sorry. And I subsequently had to tell the administration of the school that in fact their growing stability will probably make them less eligible, and so they will actually lose. What we need is the flexibility to be able to reward and replicate success, and that we do not have.

Now, over a third of a century ago, I came to this city, and I well remember the circumstances and most particularly the assumptions that created the ESEA 1965. Some of the languages and the assumptions of that act were lifted directly from the landmark Civil Rights Act of the previous year, and in particular the notion that local people could not be trusted. Now, as regards to civil rights in that era, there certainly were some people, Bull Connor comes to mind, who richly deserved distrust, but what a ghastly error it was to extend that mistrust to every school district in the nation and impose a stifling and inflexible set of regulations, the only justification for which they would prevent local people from doing what they wanted instead of what their betters in Washington wanted.

This attitude of hubris and arrogance was best described by David Halberstam in the classic *The Best and the Brightest*. Thus did the temper of the time, an age of good intentions, go awry, enshrine in major legislation such an act of mistrust. In a quarter of a century of being responsible for the administration of this act, I have never found an adequate way to overcome that tragic design flaw. Only you can do that.

Today the cardinal forces driving school reform are freedom and accountability. In our context you simply cannot have one without the other. Now as the whole nation knows, Colorado suffered a most horrible of tragedies on April 20. However, what the nation does not know is what a terrible blow was inflicted on public education by that event, a blow that is being multiplied this very day by the events in Georgia, which I suspect you are aware of, where we have seen yet another school shooting this morning. Mercifully there were no serious injuries.

However, I would say to you that if we do not wake up, worse will come. It is one level of concern when your child comes home from school unable to read. It is an altogether different level of concern when your child does not come home at all. The rising chorus that we heard in Colorado and across the nation after Columbine was as follows: Poor old public education. Won't change, can't change. Not getting any better. May be getting worse. Certainly getting more dangerous.

Now, to all who care for public education, I say if this is not a clarion call to bravery and boldness on behalf of change, I don't know what is. Give us a little chance. Give us a little hope. Take a risk that our people from our mountain valleys, across our high plains will care about children as much as you, will try as hard, and in the end have the courage to accept the consequences of their own actions on behalf of their own children.

Much will turn on your answer. If this landmark act remains essentially unchanged, then all of us will be accomplices in such future tragedies as unfold in our schools in America.

Thank you for allowing me to come here today. May God bless your honorable work.

See Appendix D for the Written Statement of Dr. Moloney

Chairman Goodling. Representative Tanner, I introduced you before your arrival. We are happy to have you this morning.

STATEMENT OF THE HONORABLE RALPH M. TANNER, KANSAS STATE REPRESENTATIVE, DISTRICT 10, BALDWIN CITY, KANSAS, ON BEHALF OF THE NATIONAL CONFERENCE OF STATE LEGISLATURES

Mr. Tanner. Thank you very much. I am delighted to be here. I thank you for your invitation.

My name is Ralph Tanner. I have spent a career as an educator; better said, I believe, as I have spent a career as a teacher. I began my career in the sixth grade teaching every subject that was to be taught in that group. I ended my career as president of not one, but I suppose two colleges or universities along the way, and I admit that an individual is suspect immediately if they have accepted a college presidency more than one time.

I am here this morning not only to represent some of my views, but also the views of my state and the views of the National Conference of State Legislatures. I am an active member of the Assembly on Federal Issues of that body. I have served there for four years, and some of the work that I will do here this morning is on behalf of the lobbying effort that that organization mounts in the federal arena in attempting to answer questions, deal with the issues that you and the Congress must deal with. I also chair the education committee of the House of Representatives in the State of Kansas, so with those credentials you must recognize that I come here with a good deal of baggage. I know the answer from having been there to a few questions, certainly not all. I know the perspectives that are picked up along the way by the individuals who have been in those roles, and I hope to be able to comment about some of those.

MCSL applauds the Congress for your having passed Ed-Flex. For the first time in many years, the Congress has acknowledged that the proliferation of minimally-funded categorical programs has generated significant administrative burdens at all levels of government. Federal education programs duplicate process. Because of differing eligibility and reporting requirements, it takes more than one-third of our state staff and the education agency to manage the federal programs that are funded in the State of Kansas. Those funds should be going to class size reduction, reading programs or enhanced learning opportunities, not to administration. Of course, the irony of Ed-Flex is that elected state policymakers are required to cede some of our legislative statutory regulatory authority to our state education agencies in order to be eligible for relief from federal red tape.

Although Kansas was one of the six original demonstration states, it is too early to evaluate the impacts of Ed-Flex in my state. We do have faith, however, that this will be a considerable improvement over what has ensued previously. Ed-Flex does not go far enough, as you know. The waivers are limited to a handful of programs and are limited in scope. Dozens of other programs remain untouched by the waivers.

Is an extended Ed-Flex the way to go? We think that is probably so. As outlined, the Academic Achievement for All Act offers another state trade-off, but one where the

payoff is potentially far greater than Ed-Flex. A state could opt to apply for maximum flexibility, relief from categorical requirements and the ability to commingle state-administered formula grants in exchange for demonstrating that student performance has improved.

This is a bargain that we can all live with, but the devil, as we are prone to say, is in the details. Here are some of our concerns. Districts would be allowed to execute a charter where the state has not done so. Kansas has a strong history of local control based in part on the populous notion that runs through the history of that state. But we believe that the state government must be an actor in this proposition, and to do otherwise we find is constitutionally wrong-headed and, in fact, provisionally wrong-headed.

My concern is not the application of process, it is in the relationship that would follow that application. The Pennsylvania Secretary of Education Gene Hickok told us last year the best way to federalize education is to establish a direct relationship between school districts and the federal government. On this subject, NCSL policy is very clear. A direct relationship between the federal government and the state or local agency is inappropriate.

The second proviso that concerns us is the maintenance of effort provision that we hope you will include in any proposition that you bring to passage in the Congress. The maintenance of effort provision is something on which the states must rely for planning purposes and for execution of an ongoing program.

The role of the U.S. Department of Education in the charter states is unclear. Will the federal apparatus stay in play? What role will the Department play in the approving and monitoring process during a 5-year charter period?

Another concern, and the final one, since the Straight A's Act is an option for states to receive their federal education dollars as a block grant, we have included NCSL's principles for block grants in my testimony.

Our time is limited, and I will not reiterate each of the items, but ask you to take them into consideration as you debate this proposition.

Forty-four years ago the federal government radically changed the agenda for public education by passing the Elementary Secondary Education Act. ESEA was a screen upon which many people projected their own expectations. Some saw it as antipoverty program, and others saw it as an economic development program, and others saw it as a civil rights issue.

For myself and my colleagues in the legislatures, ESEA was a commendable effort to meet some of the unmet needs of children in our system. Targeting money to the disadvantaged and to those in need of remediation was honorable and was necessary. However, that federal funding stream is now so encumbered as to seriously dilute its impact.

For those who fear that Straight A's would dismantle that effort, I would like to offer some reassurance. About two-thirds of the states, including my own, use weighted formulas to provide extra funds for the disadvantaged and for at-risk students. We know from research that this is an effective use of our money. Opting into the Straight A's

program would not change the way that we in Kansas, and I dare say my colleagues in other states, would approach our responsibility for providing an education to all of our children. We have learned a lesson about inclusion that is no more likely to be forgotten in Topeka than in Washington, D.C.

Mr. Chairman, I conclude my remarks by suggesting that the committee continue to work closely with state-elected officials to develop this proposal. I commend you for your having come thus far, and I offer the aid of state legislators should you wish to take counsel with us as you continue to work this bill. Thank you.

Chairman Goodling. Thank you Mr. Tanner.

See Appendix E for the Written Statement of State Representative Tanner

Chairman Goodling. Ms. Marshall.

STATEMENT OF MS. JENNIFER MARSHALL, EDUCATION POLICY ANALYST, FAMILY RESEARCH COUNCIL, WASHINGTON, D.C.

Ms. Marshall. Thank you, Mr. Chairman and members of the committee. I appreciate this opportunity to talk about a proposal that I think will go a long way to breaking down the barriers to educational success that I know have been frustrating to you as Members of Congress, to our organizations and to the constituents we represent.

I speak today on behalf of the Family Research Council, my organization is also a part of the EXPECT Coalition, which is an alliance of reform-minded organizations seeking excellence for parents, children and teachers. Together we represent several million constituents, including the parents, grandparents, teachers and taxpayers that will be influenced by the decisions you make here about education policy.

A number of these groups will later today be sending you a statement in support of the Academic Achievement for All Act. Which we nicknamed Straight A's. It would represent a significant shift in the thinking on education policy here in Washington. Over the past 30 years this town has been consumed with everything that goes into education and then surprised at the results coming out.

When ESEA passed in 1965, it was a mere 32 pages long. Since then Washington has tried to figure out what is wrong with education and what might make it right, but as a result, we today have an ESEA that is almost 1,000 pages long, and instead of providing mere aid to education, Washington today prescribes policy and methodology to local schools. This has the effect of binding the very hands that we need to empower.

Today if you wish to ensure educational excellence, we urge you simply to provide resources to those who can better make decisions, state and local officials along with parents and taxpayers. These are the only people capable of meeting the diverse needs of the 47 million students in all of the schools across this country. All Washington

needs to be concerned with is the objective result, and that is: Is academic achievement improving?

This is the focus of the Straight A's proposal, which is built around the following three themes. Straight A's would begin to simplify the federal role in education by supplying aid rather than prescription to states and localities. Second, Straight A's would give education professionals the flexibility to produce academic excellence among their students. And third, Straight A's would provide more objective, simple and direct accountability to parents and taxpayers to ensure that this flexibility reaps a harvest of excellence.

The Straight A's proposal would allow states the option of consolidating funding for K-12 programs of their choice without the regulations associated with those programs. States could use these funds for any education priorities that don't violate their state law or federal law.

Straight A's would change how funds are delivered, but not who the funds cover. If States choose to include Title I in their Straight A's package, they would have to develop a method of distribution that guarantees those low-income students are achieving higher results than under current law. States that choose the Straight A's option would be free from program mandates in exchange for more objective accountability.

We have an awful lot of paperwork, but not much real accountability about whether students are actually benefiting from all of the fuss being made in Washington. The Straight A's proposal would require states to administer the same test of the state's choice as a pretest and a post-test after 5 years. Under the plan, states would designate their own test and the rate which they hope to achieve on that test. States that meet their stipulated academic goals could continue along the path to increased flexibility and perhaps qualify for bonus funding. There is no clear accountability mechanism in federal education policy today.

So the bottom line is does anybody want this, and the answer is yes. People are asking for flexibility in exchange for accountability. Paul Vallas, CEO of Chicago Public Schools, made the following statement to members of this very committee at a recent hearing in Chicago. "I think that the Straight A's proposal is a provocative idea and clearly an excellent starting point for congressional deliberations. We support the concept of combining as many federal programs as possible into one or two grants tied to contracts for agreed-upon results with appropriate penalties for failure and appropriate benefits for success. Can we make this work? I think the experience of the Chicago Public Schools since 1995 demonstrates that it will work."

Here on the panel today we have heard testimony from other state officials who are calling for the federal government to place greater trust in the hands of them and their colleagues. As a final example, about two months ago a governor of the President's own party called for greater flexibility in the newest categorical program, the class-size reduction effort for grades K-3. Governor Gray Davis of California wanted the flexibility to use funds for other purposes, which in his case was to reduce class size in high school. To quote him, if Washington says to the states, you just improve student performance, and we will give you the money, that will give all of the Governors the flexibility to get the job done. Governor Davis has since been given a waiver to make the necessary

exception to the rule for his case.

> But Washington should not make education rules only to have to break them for the diverse needs of this country. We urge Congress to simply insist on excellence in education in the results and leave methods in the capable hands of states and localities. Thank you.

Chairman Goodling. Thank you.

See Appendix F for the Written Statement of Ms. Marshall

Chairman Goodling. I will be very brief with my questions since we have quite a few people here.

My question would be to the mayor, as I understood your testimony, you indicated of course that the federal dollars didn't do the job, and then the state took over and didn't change anything other than did the same thing that the federal government always does. If we just give more money, apparently that will solve the problem. If I understood what you were saying, you were hoping that the state would do what Illinois did to the mayor of Chicago; say, here it is, your baby, you are the king, you are the superintendent, you are the dictator, you are everything. Make it work. Did I follow your testimony correctly?

Mr. Schundler. I think they could give the power to the school board, but they should hold them accountable. If the school board does not show improvements after freedom in funding, they should ban those school board members from running for reelection. There should be an absolute minimum level of efficacy that they demonstrate.

But the point is that spending alone and following the rules will do nothing except push up taxes and result in compliance. It may not result in educational improvements, and what we need to do is make sure that the money and the freedom is there and make sure that the accountability is there for the results.

Chairman Goodling. In other words, you are continuing then to say that you would hope that as mayor you would be as smart as the mayor in Chicago and turn the operation over to a very successful businessman and attorney and give him free rein with his board to do it right?

Mr. Schundler. Yes. Ultimately with regard to this particular bill, I do not think, if I can be as explicit as I can, that compliance is our goal. The state is extremely good at complying with the state regulations and with the federal regulations. They have worked very hard to fulfill the model that the federal government has given them and that their own internal bureaucracy has suggested. They have fulfilled the models to the nth degree, and they have amply funded those programs. It has not worked.

We have to allow educators to look at children not as parts of solving a bureaucratic dictate, but as the focus of their efforts and build a program around the children's needs and see if it works. If it does not, change the program. If we give them the freedom, some of their efforts will fail, but they will keep working until they get it right.

Chairman Goodling. Thank you very much. Mr. Miller.

Mr. Miller. Thank you, Mr. Chairman. I thank the witnesses for their testimony.

Mr. Moloney, in Colorado you said that in the first testing cycle, 12 percent of the students passed. When was that?

Dr. Moloney. Results were released November 1997. The test was given the previous May.

Mr. Miller. Your testimony is interesting, as all of your testimony on the panel, but I think you have to go back out in the hall and get your story straight because I don't get it. The people you are talking about who need flexibility control 93 percent of the money, but somehow they couldn't get these kids over the hurdles in reading or mathematics. Forty percent of the 4th-graders can't read at grade level, 40 percent of the 8th-graders can't do math, and something like 40 percent of the 12th-graders can't do science at basic minimal levels. And but for seven percent of the money, everything would be fine.

It just can't be true. It is not true in the business world, it is not true in the nonprofit world or our families, and it is not true in education. You keep saying it is only seven percent of the money, but apparently it is 100 percent of the problem. It can't be true because it is not true in states all over the country.

I don't know where Colorado, apparently when they discovered finally, how long did it take you to discover that only 12 percent of the kids could read in Pueblo, Colorado? What was going on the previous year? Did it happen in one year? Was it known for a decade? Did you put new resources into a troubled school? Apparently not.

But when you decided you would, apparently it was the federal government's fault because they were missing in action. And yet we see other states and school districts who were able to turn around reading programs with the federal government's involvement and participation through a whole range of programs.

Most school districts, if you ask them how they spend their Title I money, they couldn't tell you because they spend it any way they want. There are no federal mandates here. Your problem is the state. The state won't let you do what you want to do, but it is seven percent federal money which is apparently 100 percent of your problem.

I don't get it. It can't be the case, and you keep saying if the federal government would just hold us accountable. How about holding yourself accountable to the parents? How about holding yourself accountable to the 40 percent who can't read and the 88

percent? You needed the federal government to tell you that 88 percent of your kids can't read at grade level, that someone had to hold you accountable? That is criminal negligence.

So somehow you come here throwing yourself on the mercy of this committee, saying, if we just had flexibility. Colorado has Ed-Flex, and the gap between African-Americans and whites is widening in the last NAEP exam, as it is in Arizona, Arkansas, Kentucky, Georgia, Louisiana, Massachusetts, Maryland, Minnesota. But somehow if only we will tell you to be flexible, but when we had the Ed-Flex bill here, people were fighting on being accountable. They were fighting disaggregation of data so you would be accountable for every one of those kids in Pueblo. The averages in Colorado were doing fine, but apparently the kids in Pueblo, Colorado, got left behind.

I find it a little bit troublesome here that Gray Davis' fights are with the state legislature, your fights are with the State of Kansas, and anybody will tell you in California they have more trouble with the State Department of Education than they do with the federal government.

So, you know, when we see that apparently for years and years the superintendents of schools at the state, the local level and others have been willing to accept this low passage rate, willing to accept in California 30,000 uncertified teachers, 10,000 in New York City, and tens of thousands across the country, spending 5 and 6 hours with kids and they don't have the qualifications for the subject, if only now we hold you accountable and we give you the money, put it out there on a stump and let you pick it up, you will do a better job. Why don't you do a better job now? Seven percent of the money? I don't think so. I don't think that it holds up.

Dr. Moloney. I would have to agree with much of what you say, Congressman. The existing situation is pretty disgraceful, and any of us who have been in responsible positions when it got that way, have a lot to answer for. Seven percent of education funding, yes, Washington is pretty irrelevant. However, I would say this: We are closing the gap between minorities and the majority.

Mr. Miller. Not according to the NAEP exam you are not.

Dr. Moloney. I serve on the governing board of the national assessment, and I know what those numbers say.

Mr. Miller. It must be in the wrong column.

Dr. Moloney. No, the latest figures are quite clear on that. And I would also respectfully say while your remarks are a wonderful critique of the proposals that surfaced yesterday, the teachers in Bessemer Elementary would vehemently disagree with what you have had to say.

Mr. Miller. I just...

Chairman Goodling. Mr. Miller's time has expired.

Mr. Miller. You give these people this flexibility. They apparently accepted these outcomes and have continued to accept them and have fought rules on accountability. We just went through Ed-Flex, and the one critique that we have of the program is 9 out of 12 or 13, there is no measurable accountability. They just wanted the money.

Chairman Goodling. Mr. Miller's time has expired.

Mr. Miller. It is not being accountable to the federal government, it is about being accountable to the parents and to the kids.

Chairman Goodling. Mr. Miller's time has expired. Normally the questioning is part of that five minutes, but since you got a lecture without him interrupting...

Mr. Miller. Mr. Chairman, I am free to use my time as I would like.

Chairman Goodling. That is fine. I am giving them some time to rebut, which is not normal, but you didn't get any chance to respond.

Mr. Miller. Parliamentary inquiry, Mr. Chairman. So are the rules of the committee if a Member of Congress makes a statement, but doesn't ask a question, that the panel will always be given time to rebut, or is this just an exception in this case?

Chairman Goodling. Mr. Petri yields his 5 minutes to anyone that would like to respond to anything that Mr. Miller said. That is not the normal procedure. Normally you don't get that kind of lecture, you get a question. But nevertheless, everybody is free to do what they want to do.

Mr. Tierney. Point of order, Mr. Chairman. Is a Member not entitled to use his time as he sees fit?

Mr. Miller. Oh, bang it again if it will make you feel better.

Chairman Goodling. I'll bang it, and it will be on your head.

Mr. Miller. Oh, Mr. Goodling, don't get so excited.

Chairman Goodling. If you continue, I will have to ask the sergeant of arms to come and remove you. I have been very, very patient.

Mr. Miller. You don't have to characterize my statements. Members of Congress make statements, and Members of Congress talk to the panel all of the time. Sometimes you choose to ask questions, and sometimes you don't, and you know that.

Chairman Goodling. If anyone wants to offer any response.

Mr. Miller. Mr. Chairman, you are way out o order.

Mr. Kildee. Parliamentary inquiry, Mr. Chairman

Mr. Schundler. I appreciate the gentleman who has allowed…

Mr. Martinez. Mr. Chairman, parliamentary inquiry.

Mr. Kildee. Mr. Chairman, parliamentary inquiry. I have a right to ask my inquiry.

Mr. Miller. You can't obey the rules of the House.

Mr. Kildee. Mr. Chairman, a parliamentary inquiry.

Chairman Goodling. Mr. Kildee, would you give your parliamentary inquiry?

Mr. Kildee. Thank you.

Mr. Chairman, I have been on this committee for 23 years. We have always managed to get along well. We have always had bipartisanship. I would like to ask you under what rule would you have the Sergeant at Arms remove a member of this committee? Under what rule can you do that Mr. Chairman?

Chairman Goodling. Simply if you cannot continue and the person doesn't respect the five minute rule. Someone has to continue the hearing or it comes to an end.

Mr. Miller. Mr. Chairman, if I might.

Chairman Goodling. Mr. Miller.

Mr. Miller. The question is about your characterization of how I use my five minutes when you know as a long-standing member of this committee as long as I have been here that a Member of Congress can use his time or her time to give a statement, to lecture the panel if that is their choice, to ask questions, right?

Chairman Goodling. And you did that.

Mr. Miller. Right. And to suggest and somehow characterize that as unique or different, Mr. Chairman, was out of line.

Chairman Goodling. What I am indicating is that Mr. Petri has yielded his time...

Mr. Miller. They are welcome to Mr. Petri's time.

Chairman Goodling. ...to answer any questions that you believe Mr. Miller raised.

Mr. Schundler. I would like to thank Mr. Petri for an opportunity to respond.

I don't think that anyone here believes that the only problem that we have in public education today is a function of federal dollars that are not being spent well. But I think all of us believe that there should be some accountability to taxpayers to make sure that whatever federal dollars are spent are spent well. Therefore, I think there should be a focus on results.

When you spend our tax dollars, you do it because you do care about the education of children. I think you do want to see that children do learn to read, that children do learn to do math. I think you should hold us accountable for those results. To say, here is this money, spend it this way, we don't care if children actually learn to read is a waste of taxpayer expenditure, and that is unfortunately what does happen at the state level as well. There are many dollars misspent at the state level in that very same pursuit.

I want to commend the members of this committee who are looking at trying to do it right, at focusing on results instead of just process, at respecting educators and giving them financing and freedom subject to accountability. I think you are taking a very, very strong step in the right direction. That is exactly what should be happening at the state level.

It is because we are not always convinced that it will happen at the state level that those of us at the city level would like the opportunity to do the right thing with your blessing in the event that the state may choose not to take advantage of this option.

I would finally answer that there was a comment made about the fact that along with being accountable to taxpayers, we should hold ourselves accountable to parents. I want to thank the representative for endorsing the idea of school choice for dollars that follow parents' decision making, for instead of us having to beg politicians, those of us who are parents, to reform our schools, we would be able to send our child to the best school for them and have the schools have to reform themselves than ask us for the privilege of educating our children.

Chairman Goodling. Anybody else have any answer?

Ms. Marshall. I appreciate Mr. Miller's emphasis on the direct accountability of parents as well, and that is something that we are trying to emphasize in this proposal. Right now the flow of the paper trail would indicate that Washington needs to know more. We would like to change that flow of information and make the public school data readily available to the parents and local taxpayers.

Mr. Tanner. I am not unfamiliar with the passion that frequently involves itself with issues of this sort. The federal legislature, no more than the state legislatures, and certainly no more than the apparatus that governs in terms of administration must bear responsibility for some of the failures that were raised up by the Congressman. But we must look to the future and use our very best judgment to put aside those issues that separate us and move forward to try to resolve them. Thank you, sir.

Dr. Finn. Just to observe that the issue is not whether states and communities have been doing a good job, I think we are all in agreement that the record is not very bright. The question is whether the federal piece is helping or hurting the states and communities that would like to do a better job.

There is all sorts of evidence that enforcing the federal piece, while it only accounts for seven percent of the money, is occupying about 50 percent of the enforcement time and the bureaucratic time and is beginning to get in the way of states and communities that are trying to solve the problems that Mr. Miller correctly diagnosed. And I think the federal piece is the issue we are dealing with here today, and I think respectfully it is making matters worse.

Chairman Goodling. Mr. Kildee.

Mr. Kildee. Thank you, Mr. Chairman.

Mr. Chairman, I was chairman of the subcommittee in 1994 when we established the first Ed-Flex, so I am certainly no stranger to Ed-Flex, and you and I worked very

closely together on that. You made great contributions to that bill in 1994. We originally had six Ed-Flex states, then we expanded to 12 Ed-Flex states, and then this year with my support and Governor Castle and Mr. Roemer, we extended Ed-Flex authority to all 50 states.

Now the majority wants to enormously expand Ed-Flex we want to expand it to basically one block grant. I really think this is too much, too fast. I would like to see how the 50 states deal with the Ed-Flex authority that is available to them in the bill signed by the President a few weeks ago. Before we move so rapidly on this we should learn from our existing experience first.

Back in 1981, President Reagan and Dave Stockman attempted to block grant many education programs. Chester, you were around then.

Dr. Finn. Pretty soon thereafter I was.

Mr. Kildee. I knew you before those times. It was then that we established the old chapter 2 program, which was a block grant. If you follow what happened in chapter 2, the money kept going down. And why it went down is very simple. This is an experience we have had before with other block grants, and that is why I have great concern about this Super Ed-Flex. Chapter 2's appropriation went down because the programs that we threw into that block grant, lost their identity, and they lost their advocacy. And that is the reality in Congress. When programs lose their advocacy, they lose their dollars. You can track what happened Chapter 2: The money went down.

I fear that can happen here too if we have one super block grant. I think we should to be very concerned about this. I think advocacy for these programs is very important, and I am not saying this in a vacuum, because we have the Chapter 2 experience. If you read any of the books by Jack Jennings, he traces how throwing things into a block grant, tends to diminish funding, which and I think is a great concern.

We are about seven percent of the education budget, and that includes IDEA and other federal programs. I really feel we would put ourselves in danger of losing the advocacy and identity and then losing the dollars for the program.

So I think that those of us who have gone through what I call the winter of discontent, the first two years when David Stockman was really writing the budget, have seen this happen.

Chester, you have been around a long time, could you give us some assurances why you think that this proposal would not lead to reduced funding?

Dr. Finn. Thank you, sir. It is a very interesting and very perceptive history lesson.

I call this a block grant with a hook. The hook is that the state or district that participated would have to produce better results, or it would lose its flexibility. I think this is going to cause the states and the districts to want to keep getting this money. I think there is going to become a constituency, an advocacy group, for this money if they

begin to get it in this form.

I would also like to contrast your history lesson with Congressman Miller's education policy lesson. Congressman Miller characterized us as saying in effect we can't trust ourselves at the state and local level, so make us do it right; that is the state and local people saying to the federal government.

You are suggesting that Members of Congress are saying, gee, we can't trust ourselves to keep funding block grants. We can only trust ourselves to fund education if there are a lot of different categorical programs each with a label.

Congress could continue to appropriate education aid even if it were called a block grant. The Straight A's program is not a traditional block grant, but that should not get in the way of the appropriations process.

Mr. Kildee. I think this committee would do well. However, yesterday we had a vote on the space station, which is just one example of the many competing demands for federal dollars. That is why I do have concerns about losing the identity of a program because this leade to a loss of advocacy and the loss of dollars due to competing demands. But I appreciate your response, Chester.

Chairman Goodling. Mr. Hoekstra.

Mr. Hoekstra. I will yield the Chairman 15 seconds.

Chairman Goodling. In that history lesson, most of the reform that took place took place because of Chapter 2 and because of Title VI dollars. They were reduced because, of course, the President zeroes it out every time it comes up, and so I just wanted to make sure that we concluded that history lesson.

Mr. Hoekstra.

Mr. Hoekstra. I thank the Chairman for yielding.

We have been involved in a process called Education at a Crossroads where we have gone to 15 different states, and that project extending into 1999 is why we went and visited Chicago for a second time and met with Paul Vallas and had Bill Bennett testify. Once again Mr. Vallas came out and said that the federal government ought to take kind of the same approach that the State of Illinois took with Chicago, a school system that was failing that Mr. Bennett had characterized as the worst school system in the country, and the solution was fairly straightforward. I think Mr. Vallas identified it as now getting two checks. The state de-mandated us. We get a check for general education, and we get a check for special education, and the state now holds us accountable. Why can't the federal government do something similar to that?

The current programs that we have in place number in the hundreds. The federal government wants to build our schools. We want to put in technology, we want to hire their teachers, we want to teach them about art and sex. They want to test our kids, feed them lunch and an after-school snack, do midnight basketball. Other than that, it is your local school district.

The testimony that we got consistently around the country is, yes, it is only seven percent of the money, it is 50 percent of the paperwork. Again, the federal government is having a significant impact at the state and local level in mandating. Then you contrast, and I think this is where the four and five of you are coming from, it is the same thing that we saw at Education at the Crossroads. There are tremendous things happening at the local level, whether in New York City, Chicago, or Cleveland. We have been to all of those places. It is happening in spite of federal rules and regulations, in spite of federal dollars rather than because of them.

In almost every place we went, people at the local level were saying "We love your money, but, boy, we could sure use it more effectively if you got rid of the red tape because our needs just don't quite happen to fit the needs of the program that you designed in Washington." And when that happens, what do we do? We don't provide more flexibility, we provide one more program. I think some of you have provided us with information.

We have a cottage industry now here in the Washington suburbs of people who have taken a look at the federal government and now send books out to school districts saying, here is how you mine for federal dollars; not how you educate, but how you fill out the forms correctly.

Actually, Mr. Miller, we found that lecturing is a very appropriate behavior, and I am just going to listen to the Chairman's gavel when it comes down, and then we will be okay.

Dr. Moloney, have you taken a look at what increased dollars might be able to flow to the classroom if we kept the funding level the same, but we removed a lot of the administrative burden and the red tape?

Dr. Moloney. I think at the heart of this we all have an interest in finding out what works. We also have an interest in why school behaviors in the United States are so different from other industrial nations, and that casts a lot of light on this question, and I spent five years doing precisely that.

Resources properly applied are very helpful, but the primary determinants of success are outside of that. I visited inner-city schools in Marseilles and Hamburg, more minority population, more language deficit, bigger class size, facilities falling down, no technology, and yet without question, and you can find Asian examples as well, despite a much greater social pathology, they are delivering a better educational product. And the answer is found in what Ronald Edmonds told us long ago in the effective school movement.

Here is a gentleman, who is probably one of the greater school reformers, but who has been forgotten. Incidentally, an African-American, but I think he gave us the greatest

lesson. He told us exactly what four characteristics worked. He had his 15 minutes of fame, and then we moved on.

Everywhere we have seen success, past and present, foreign and domestic, Colorado, any other state, we see tightness of focus and high intensity. We find committed people who have chosen to do specific things. The more you spread and sprawl the variable mix, as Dr. Finn says, the worse it gets. It is quite clear what works. What isn't clear is if we have the will to do it.

Mr. Hoekstra. I would like to thank Dr. Moloney for answering the next question I was going to ask. Thank you.

Chairman Goodling. Mr. Tierney.

Mr. Tierney. Thank you, Mr. Chairman. At the risk of not asking the question directly, but making some statements here, I want to associate myself with the remarks that Mr. Miller made. I think that is a point well taken by everyone.

When I see that we are not talking about seven percent of the Straight A's concept, we are taking out IDEA, you are talking about an even smaller portion of money. To think that money is going to drive the kind of improvement that people are talking about belies the fact that it is the states who have the responsibility for that, and we saw that with the IDEA program. Everyone wanted to talk about it being a federal mandate and how the federal government was coming in. In fact, the states have a 100 percent obligation to educate children with problems or special needs, and the federal government provided an option and then gave 10 or 12 or 11 percent of the money for that. You would think that we had done a bad thing.

But I am interested, Dr. Finn, in what you say about accountability, and I know that we spend a lot of time banging around here on Ed-Flex as if it is a major concept, when it is an itty-bitty piece of the ESEA, but missing was any accountability, the kind that you talk about in your proposal, and I would like you to talk a little bit, if you would, about what they are doing in Texas and that kind of accountability and the disaggregation and how important that would be if your Straight A's were to be implemented.

Dr. Finn. Thank you, sir.

First let me say even if it were only 3 or 4 percent of the money, the question is whether it is made usable by the states and districts that want to do something different. Not every state would take advantage of this.

But the question is whether states that want to try should be given a chance. If they try, then the accountability provisions of Straight A's would kick in. And the accountability of Straight A's says in effect that the state has to set ahead of time what academic achievement gains it is undertaking, it is promising to produce over five years, and how it will measure and demonstrate them.

Mr. Tierney. It gets to choose the bar and how high the bar is set?

Dr. Finn. It sets its own bar. The Secretary of Education audits its ability to clear its bar.

Mr. Tierney. If they set it low, they get the money forever?

Dr. Finn. Even a low bar would represent gain over present. It has to show gain for all of the kids. That is where I agree with a number of members of the committee about disaggregated data, and I like the Texas approach of showing how kids are doing by ethnic group, by school, by a variety of other measures.

I think it would be perfectly reasonable for the Congress to be very particular in how it spells out the way in which the results will be demonstrated under Straight A's.

Mr. Tierney. But you understand that is the problem that we have here. Even those of us who wanted to talk about flexibility conditioned upon accountability didn't get very far. What we got was flexibility with no accountability.

Dr. Finn. Congressman, we are giving you another opportunity to strike that balance.

Mr. Tierney. We can count, and nothing has changed since the last time that we dealt with that.

Most of us understand that the reason that the federal government got involved in the first place was that some states wouldn't or couldn't when it came to certain categories. I see all of these Republican Governors telling us how bad the federal government is and the red tape and how awful this is, but then they created the need for aid because they wouldn't or couldn't, and now they are running surpluses. And I don't see any of them taking the surpluses and putting it into their educational needs and then saying, you know what, we found a way to deal without the federal money, so go away. They don't do that in IDEA or any other program. So it is very interesting how they like to hold their hand out and get the money, but they don't want to put their state monies into it, and they don't want to be held accountable at the same time. It goes around and around.

Let me ask the mayor a question Oh, he is gone.

Dr. Finn. I am afraid that the mayor had a plane to catch.

Mr. Tierney. He talked about allowing cities to opt into Straight A's even if the state didn't. Would we allow a city to opt out if a state did decide to go into it?

Dr. Finn. I will give you my opinion. You may want to ask the state representative here. I believe that a city should be able to opt in if the state does not. And if the state opts in, it should apply to the whole state.

Mr. Tierney. Let me ask you, if some of you don't believe that the Comprehensive School Reform Demonstration Program provides a lot of assistance, if we put the proper accountability in, would allow schools to be a charter school and put a lot of these reforms in, and at some point if they then have the states sort of integrate the reforms into their own system, they could do away with the federal assistance later on. Has anyone thought of that?

Mr. Tanner. We have had some experience with that. We made a commitment that the gathering of our superintendents, which represented 85 percent of the children in the state, that we would eliminate every single state regulation that was not directly linked to student achievement. This is, I think, very similar conceptually to what we are talking about here. We have set a high bar for accountability. We have in effect said if you do not have measurable gains on new criterion reference tests, improve your scores 25 percent within three years, we will remove your accreditation.

This is the proper role of the state. The proper role of a nation is to say what standards are: All children will spell "cat"; to oversee an assessment which can tell whether or not kids can spell "cat"; and, thirdly, to preside over consequences. Other than that, we should have no involvement in imports, management, anything like that; results and results only with heavy consequences when something doesn't happen. But as you know very well, we run scared about consequences. We love rigor, but we want everyone to get the money.

Chairman Goodling. Mr. Deal.

Mr. Deal. Thank you, Mr. Chairman. I want to thank the panel members for being here today and for your participation in this discussion.

Representative Tanner, in looking over one of the attachments, your NCSL attachments, with regard to some of these issues, one of the comments that I see here is this statement, federally funded state education administrators, an average of 40 percent of each state education agency, work for the state but are paid for by the federal government. I think all of us have heard the complaints, especially at the local educational level, that our education system is too full of administrators, and too much of our money is being funneled into the so-called bureaucracy both at the federal and at the state level.

This statement in this publication seems to highlight the fact that the federal dollars are in effect making it worse in that regard at the state level. Would you please

comment on that, or any of the other members that would like to join in?

Mr. Tanner. We do find that the federal dollars do tend to exacerbate a problem of accountability within the bureaucracy. There is probably an attitude on the part of the bureaucrats that they are not reliant upon the state or the educational agency that they work for their salaries, and even though they have an authority figure somewhere up the line, I doubt that they really respond in the same way to being on what amounts to a federal payroll as they would if they were on a state payroll. But I think in the preface to your question you said it very well.

Mr. Deal. Any other comments?

Ms. Marshall. Regarding Governor Davis' fights being primarily with his state bureaucracy, with that percentage on average being employed by the federal government, it can still trace back to federal involvement in state education. I don't put the whole of the problem there, but certainly we have to trace some back to that.

Dr. Moloney. I think at the heart of this, and having worked in six states and in varying circumstances, state education agencies are really two creatures in one. There is the federal state education agency, and there is the state education agency. The conflicts of money and personnel, very often the federal people who are more numerous than the state people usually because of the funding, they are more beholden to Washington than they are to the state capital. They tend to serve longer. Their circumstances tend to be much more rigid by a wide margin than the people at the state level.

It is a very strange culture. It is counterproductive. Those of us who were school chiefs wrestle mightily with this, and I can't point to a single school chief who would say, yes, I have licked that one. We haven't.

Mr. Deal. Does this legislation assist in dismantling that, or do we need to consider further efforts to dismantle that hierarchy?

Mr. Tanner. As you continue to explore this bill, you need to keep that in the forefront of your thinking as you go.

Mr. Deal. Well, we in my State of Georgia, up until fairly recent constitutional revisions had elected school officials, and the old saying was that whenever a state county school superintendent was not reelected by the voters in his area, he could always find a job by going to work for the state department of education, and it became the repository for many of those, and many of those positions were these federally-funded slots. That does not facilitate the streamlining and delivery of dollars to the classroom, which is another issue that this committee has worked mightily on.

I do appreciate all of you being here today. Thank you, Mr. Chairman.

Chairman Goodling. Mr. Kind.

Mr. Kind. I want to thank the witnesses for your testimony today. These always engender a lively discussion. You never know what to expect, and I am sorry that I missed the fireworks earlier. I think my questions will be a little more mellow and sedate because I was supportive of the Ed-Flex legislation. I was involved in that process. I believe in the twin goals of flexibility and accountability. I thought it was a good step.

In light of the recently passed legislation, even though we have had a pilot project with it for the past five years, we are opening it up to give all states an opportunity to participate. Also in light of the fact that comprehensive school reform became a part of our budget last year, known as the Obey-Porter grant money for research-based programs, what is wrong with playing ESEA straight this time and allowing these other measures to play out so we can get some feedback on them first and see how they are developing rather than jumping into a Super Ed-Flex proposal right away? Does anyone want to…

Dr. Finn. Congressman, with respect to the earlier fireworks, the witnesses had very little to do with them.

Mr. Kind. I understand.

Dr. Finn. With respect to your question, I think we have 34 years and seven cycles of ESEA to look at here. We have a lot of history here. And each time up until now the ultimate conclusion of the Congress has been very much like what you just said. It has been very much along the lines of let's play it straight and keep going the way that we have been going.

Thirty-four years later, six cycles later, that hasn't worked. The proposal before you is to allow some states the freedom to try it different. I suggested in my testimony that we take kind of an experimental view of the ESEA reauthorization and allow several different approaches to be tried of which Straight A's might be one. The administration's altogether different approach might be another. The Progressive Policy Institute's approach might be another. Let's let some states have the ability to try different approaches. The straight-on approach has not worked.

Ms. Marshall. I would agree with that characterization. We should try additional ways of going about reform. And because it is an optional program, not all of the states will participate, but those who try will show us if it works or not.

And it is fundamentally different from the comprehensive school reform and the Ed-Flex program. Ed-Flex offers some waivers, some flexibility. Comprehensive school reform is a limited program in that it is federally identified programs that you must

choose from. So this allows a lot more freedom and flexibility for the state in exchange for accountability.

One thing that Comprehensive School Reform got right was that we have to have consolidated concentration by the states and by the schools on a coherent reform package, and that is what Straight A's would allow the states to do.

Dr. Moloney. Freedom is very scary, but we must indulge it, because no man who has not freedom can ever be accountable for everything.

The kind of marketplace approach that Dr. Finn is stating has risks. There will be failures, but the monumental truth before us is the failure of 34 years and six cycles. The jury is in. It has been in for a long time. We can't just keep on keeping on. We have got to change this thing.

Mr. Kind. I am a firm believer in accountability, and we have accountability in the works under Title I, and we are supposed to be seeing some standards and assessments coming from the States and localities. How would the accountability in Super Ed-Flex differ with what is in the works?

Ms. Marshall. It is building on the foundation which has been laid.

Mr. Kind. How?

Ms. Marshall. It would require a state to measure its student's progress either by a state-level test or a norm reference national test. Obviously most states would be choosing those that have been developed over the last five years.

Mr. Kind. Doctor?

Dr. Moloney. Having worked at the federal, state and local level, I think that the dilemma you have is the accountability that is represented to you that people say to you, vote for this and you will have that; unfortunately, the life gets squeezed out of it as it moves down to the state and local level. By the time it gets to the school building, if you went out there and looked at the thing you voted for, you wouldn't recognize it. And that is just the nature of institutional bureaucratic behavior. We have met the enemy, and the enemy is us.

Chairman Goodling. The vote on the floor is on the rule. We will resume at 11:15 a.m..

[Recess.]

Chairman Goodling. Ms. Woolsey.

Ms. Woolsey. Thank you, Mr. Chairman. I would like to thank the panel. You are probably aware that there has been another school shooting in the suburbs of Atlanta, Georgia, this morning.

I would like to ask first Dr. Moloney and then the rest of you to talk about how this program, how Straight A's, would impact changing the violence that we are seeing among our youth. And I know there are lots of solutions that it is just not school-related, but because you are here talking about school programs, Dr. Moloney, start with how you think that Columbine may have had a different result had this bill been in effect?

Dr. Moloney. Well, let me start this way, and obviously this has been absorbing us over the last month.

One of the most difficult things we are facing is that school and that district desperately needs help, and one of the first places that they turned to was us. By their nature, the federal cupboard was bare. We don't have the flexibility to say, my God, this is such an extraordinary thing, I am going to take some money from here. Can't do that.

Ms. Woolsey. What would you have done about it before the Columbine tragedy, and how would it have prevented it?

Dr. Moloney. In all honesty I could not suggest that this program or any other would have prevented that. The causes of Columbine are much deeper than that.

Ms. Woolsey. The education piece of it. I know that it is deeper.

Dr. Moloney. The education piece is that over many years we have for good intentions deconstructed the American high school. The reality of high schools today is so different from what they were before, is so different from what high schools are in other industrial nations. It is no accident that consistently the worst achievement results we get at the national assessment, on which board I am on, are at the high school level.

The elementary schools, pretty decent run for your money. Every book written about reform, Sizer, Boyer, talk about high schools. We took them apart, and now we are suddenly surprised to see that there are consequences to the dramatic retreat of adult authority.

Ms. Woolsey. So Straight A's would not have any impact on the violence that you are seeing in schools.

I would like the rest of the panel to respond how you think the education element of these tragedies may have impacted if we had Straight A's implemented.

Mr. Tanner. Congresswoman, I very honestly cannot see, just as my colleague here at the table apparently cannot see, that Straight A's would have made any impact at all on the Columbine problem.

Ms. Woolsey. Kids in general, they are furious. How are we going to fix that?

Mr. Tanner. One of the difficulties that we are having today with education, not only in K-12, but also even at the college level with regard to such things as my characterization of the curriculum these days at the grade-school level and college level is that it is in serious decline, has been in serious decline. We spoke of accountability earlier this morning. We have seen a diminution of accountability on the part of the authorities in schools vis-a-vis the kids, vis-a-vis their families.

Ms. Woolsey. So would Straight A's make that difference in accountability, and would that have impacted?

Mr. Tanner. I think it might have an impact, but I can't assure you or the members of this panel of any quick results. I wish I could.

Ms. Woolsey. I am not asking for quick. Would this be part of the solution?

Mr. Tanner. I suppose I would cop out on any final answer on that one.

Ms. Marshall. I think I would associate it with a piece of Columbine and the epidemic of violence.

The essence of Straight A's is to empower those closer to the student to solve his or her needs. It is a step. I think it could contribute to more concentration by school authorities on the needs, and if they are needs of violent students, those could also be concentrated on.

Ms. Woolsey. Thank you, Mr. Chairman.

Chairman Goodling. Perhaps a better use of safe schools and drug-free money would have helped in all of those situations.

Mr. Andrews, I believe you are next.

Mr. Andrews. Thank you, very much. I thank the panel. I think this is a worthy concept, but it needs to be looked at in the level of specificity, and I have a couple of questions.

One of the programs that at least The Heritage Foundation recommends be included in Super Ed-Flex is for migrant children. There is a reason that there is a federal categorical program for migrant children. It is because their parents don't vote. They have the lowest level of political power of any subset of society. Their ability to influence the state legislature or a school board is virtually nil because they may live in two or three different places during a school year.

What protective mechanism exists in Super Ed-Flex that would prevent a state or local school district from undermining the attempts to educate migrant children?

Let me give you an example. One of the things that this program successfully does is to pay people to do a more intense assessment of children, because a child who started the school year in one district and then moved to a different district in November and then a different district in March and a different district in May has got to be very intensely evaluated to figure out where the child stands.

What in Super Ed-Flex is there to stop a state from saying, we don't want to do that; we are going to get rid of the people who are doing the assessments here, and we are going to buy more books for the library or have more after-school homework programs? What protections does that migrant child have under Super Ed-Flex, any of you?

Dr. Moloney. We have a very large migrant education program in Colorado, and I would say that this is what would happen.

Under this bill, flexibility is given to the states. The key is accountability at the state level in implementing that.

We know that the needs of migrant children are in many respects very different than other children. However, we know that in one important respect they are exactly like every other child. We want them to be able to read. We want them to be able to succeed academically. We would define that accountability, and I think that is the best thing that you could do.

Mr. Andrews. You would give kids a test and see if they could read. How would you track a child who started in September in one district and wound up in May in another? How would you conduct that test?

Dr. Moloney. We passed a literacy act in 1996, and this is just an example. It requires that every child who is not reading on grade level by third grade as indicated by the new state assessments, that child must have an individual literacy plan as long as that child remains in school, whether it is 10 years, 2, until they are on grade level. You have to do

this on a child-by-child basis. You can't do it by district or school because these youngsters move around. So wherever that migrant child goes, as long as they are in the State of Colorado, at least, that accountability goes with them.

Mr. Andrews. Well, I am from New Jersey, and we have a smaller migrant population, but we don't have such a plan. Our state education commissioner and legislature have chosen not to do that, and what protects the migrant children who spend 2 or 3 months in New Jersey is this federal law? What do I tell the migrant child in Vineland, New Jersey, who doesn't have that protection under Super Ed-Flex? Should her parents register to vote, stop working in migrant labor situations?

Mr. Tanner. Congressman, all of the above.

Mr. Andrews. What if they are not a citizen? This isn't Kansas, as they say in the Wizard of Oz.

Mr. Tanner. If I could return to the first part of your question, we have a large number of immigrants in the State of Kansas, not migrants so much as immigrants who have come to be employed there in industry.

There is implicit in your question an approach that makes me very uncomfortable, and that is I think there is an assumption on your part that there must be some safeguard built into the law to require the states to do what the states essentially are commanded to do in our own constituent acts, and that is to educate the children.

Mr. Andrews. With all due respects, state legislatures respond, as they should, to voters. The parents of migrant children are not voters. These are not immigrants, they are migrants who live in several different places during the course of the year. What protection is there under this concept for them?

Mr. Tanner. The protection of the state.

Mr. Andrews. The protection of the state existed before this bill, but the children were not getting the education that they deserved and needed.

Mr. Tanner. In Kansas we have developed a state assessment system which relies on reporting not only from school districts, but from individual buildings within school districts. When we look at disaggregated data in terms of performance, we look at where those people are, where all of them are. We don't like to see a downgrading of the results of the assessments because we have done a poor job somewhere. Now, it happens, but we like to be focused on providing an equal opportunity for all of the kids.

Mr. Andrews. I do appreciate that. Thank you, Mr. Chairman.

Chairman Goodling. I think one of the pluses probably of this legislation is that it requires a disaggregation of all of the subgroup data on all of the subgroups, and the state cannot participate unless they can as a matter of fact show that all those subgroups are improving, otherwise they are eliminated from participation.

Mr. Schaffer.

Mr. Schaffer. Thank you, Mr. Chairman.

Dr. Moloney, I want to welcome you to Washington again, and I apologize that I was not here to hear your testimony, but I read it.

It says here unfortunately there are many more schools that are not moving ahead. Many are going backwards. Under current we are handicapped as regards to doing what we need to do. Under Straight A's, we would have the means to reach out and reward and replicate success, and I would like to just ask you to in general terms tell us what kinds of things might be accomplished in the State of Colorado with the liberty and freedom envisioned under Straight A's?

Dr. Moloney. First, the nature of the problem, as many speakers have said, is we are undergoing a dramatic change in the approach to reform in Colorado and many other states, and that dramatic change is encompassed in the Straight A's program. And the change is this. Historically all of our efforts to assist schools have turned upon measuring inputs. Now, it isn't just the federal government that does that. As you know, we have a new accreditation system in Colorado. Previously accreditation, whether it was middle states, northwest, new england or whatever, they measure inputs. It is a checklist. Do you have a library. Do you have a science lab. Do you have a paved parking lot. The notion was, understandably, that if there was a check on every box, that somehow all would be well.

The revolution we are seeking to make here is first to recognize that many, many years of the checklist approach didn't get us where we wanted, and so that instead we are going to measure one thing and one thing only, and that is results for the individual child, whether that child is a migrant, whether that child is in the inner city or whatever; a total focus on results and, if you will, and this is a little hyperbolic, an indifference to means.

If we can move a child to where a child needs to be, we shouldn't care whether the teacher is certified. We shouldn't care if there is a book in the library if the Internet does it better. What we should care about are the results for the child. But historically be it state education departments, federal education departments, regional accrediting agencies, the accent has always been on the methodology, on accounting rather than accountability. What we are seeking to do is assume a profile that is commonplace in other industrial nations.

If you look at what is done by education authorities, France, Singapore, Germany, England, anywhere, it turns on results and indifference to the methodology. That is why foreigners never know what we are talking about by choice. They just assume that should not be a state interest, and it is a given. So results are everything, and inputs are nothing. If we pull that off it, is a revolution, but it is the only path to go. We have tried the other.

Mr. Schaffer. There is a conflict in vision between the White House and those in Congress who have, at least at this point, constructed a philosophy of the Straight A's proposal. I would like to comment on the proposal that came out of the White House to balance the Republican efforts in Congress on Straight A's.

Dr. Maloney. Just charitably, when I came to this city 34 years ago, I came as a partisan, a legionnaire, the new frontier. It was exciting. Now I just want what works. Our highest responsibility is to find things that work for the child.

And yes, human nature being what it is, when we get up in the morning and decide what to do today, we are very often influenced by what we did yesterday. And unfortunately what you referenced and six cycles of this bill have effectively been that. Let's have another one just like the other one. Often when people would tell you privately, we know that this isn't working, but fooling around with it is just too much aggravation, let's let it go another cycle, maybe something will turn up, well, nothing has turned up.

Mr. Schaffer. Thank you, Mr. Chairman.

Chairman Goodling. Mr. Martinez.

Mr. Martinez. Thank you, Mr. Chairman. I will try to avoid raising your ire by shutting up when the red light goes on. What I have heard this morning is just plain educational gobbledygook. You are ignoring the history.

Federal programs were initiated because local school districts were not taking care of problems, and the federal government sought to make sure that those problems were taken care of. Take IDEA for example. IDEA was created because the courts decided there were disabled children in this country that were not being educated because it was too expensive.

Well, the same thing will happen again if you give this super block grant. You say it is not a block grant, and in the next sentence you say it is a block grant. It is a block grant, a super block grant, but the other side has found a way to ride a horse and ride it to death.

They got the idea that the President likes Ed-Flex, so he should like Super Ed-Flex. They got the idea that Mr. Kildee and Mr. Miller like accountability and disaggregated information, and so they said, we use that as a hook. Now accountability is

the hook to get people on this side to vote for this giant super block grant.

And now since, Mr. Andrews said, it needs some refinement, they will move in that direction. The fact remains that the problems and issues that this money was sent to take care of will be ignored as they were in the past. That school district, and understand this, in the County of L.A. there are 80 school districts, some are exemplary and some are bad. We have developed an attitude that all public schools are bad. I ask this room how many of you are products of public school? Raise your hands if you are the product of a public school.

Look at that. Most of us here. If the public schools are so bad, how did we get to this great station in life that requires great intellect if the public schools are so bad?

Furthermore, we haven't been failing for 34 years, as Dr. Moloney says, because the Department of Education and the federal role in leadership in providing incentives for schools to do the right thing has only been in existence for 20 years. If somebody has been failing for 34 years, it is the local school districts, and I have seen some of the local school districts. In my district alone there are a good number of school districts, some good and some bad. But I find that when they are bad, it is because there is a bad board of education, people elected for the sake of having a title and not because they have an understanding of what it is they need to do to motivate their superintendent or to hire the right superintendent to provide motivation for their principals and teachers. However, I have been to other districts where the superintendent has been exemplary and has come up with all kinds of innovative programs.

And as far as that is concerned, we talk about restrictions by the federal government. If you look at the regulations from the federal level on the programs that we ask the locals to carry out, it is about this thick. Then you look at the states. In the State of California it stands this high. And if you ask a teacher, where do the greatest restrictions come from, the federal level or the state level, they will admit it is the state regulations, not the federal regulations.

You know, we want accountability for the monies we spend. That is what we require of the states and districts to ensure that they are used to correct problems that exist. Title I, provides funding specifically for the education of disadvantaged students. Now you are going to give states Ed-Flex and take away the 25 percent so that Title I funds can be used for all schools and students, disadvantaged or not. Let me tell you, if you allow that money to be used at any school, it diffuses the amount of money going to disadvantaged students and diffuses the purpose of the program because the purpose was to close the gap between the disadvantaged and the advantaged students because it was determined that there was a gap and that those disadvantaged students needed to be brought up to speed with their counterparts at school. If you diffuse that money, you diffuse the purpose. More than that, you have actually betrayed a trust. You have appropriated money on the number of poverty children in a school, and now you are using it for children that are not impoverished. So what are you doing?

To me that is the fallacy of what we are trying to promote here in the Super Ed-Flex. Super Ed-Flex is a giant block grant, and we might end up seeing this money going for other things. It might be go for a new gym or some other thing that has nothing to do with the education of disadvantaged children.

I yield back the balance of my time.

Chairman Goodling. Here is one that doesn't believe all public schools are bad. In fact, here is one that doesn't believe that any public school is completely bad. But here is one who believes that in the 21st century, we have to do much better.

But I also believe, as I have said many times, you can't help an alcoholic unless the alcoholic admits they have a problem. And I know that you have heard it before, and you will hear it again. Our greatest problem over the years has been to ignore the reports and indicators. Even though all the reports indicate that we have problems in our schools and in the system and we have to do better, Congress says, "Oh, no, I am sure a little more money will probably fix everything," and on we go. And who loses? The children, of course.

Mr. Tancredo.

Mr. Tancredo. I apologize that I was not here so that I could both introduce and welcome Dr. Moloney, who I have found to be incredibly supportive and a breath of fresh air in the entire educational establishment in Colorado.

He exemplified that today in his candor, which, of course, is what is so nettlesome to some people. They are not used to hearing people in your position, Dr. Moloney, be so candid about the problems that exist and that have existed, and that becomes nettlesome because you begin to destroy a world view that they have established and pressed for all of these years. So you can understand why there was the kind of response that we had earlier, and I am sure that you do, and I apologize that people were unable to control themselves in the face of your candor.

Let me continue and say that some of the most recent comments by my colleagues especially regarding the problems that they have identified and believe exist in allowing school districts to operate in a flexible manner. For instance, Title I. I think the quote was that what we have done is allow schools to waive the requirement that if 25 percent of the student body was identified as poor, the money had to go to them. The money could not be used as a schoolwide activity unless there was a higher threshold. Yet empirically we now know that regardless of what might have been some sort of intuitive thought we had about the need to focus on that concept, we do know through the five years of pilot programs that have gone on, at least in Colorado. If I remember correctly, when I asked for examples of what we had done under the pilot program, such as what every single school district that applied for a waiver in Colorado did to escape that particular provision. The one that said they could not have a schoolwide program with Title I if they didn't have X percentage number of kids in the program. In every case they were able to show that they did better by being able to use the dollars in a schoolwide program.

Now, we have empirical evidence, that what we thought to be the case was inaccurate, yet because we have built a system based upon our ideas about what is right and what is wrong, regardless of what happens in the real world, we get very concerned about the possibility that we may be proven wrong on other parts of our defense of the system which has superseded in many cases our desire to see the best happen for the

children in the system.

So it is intriguing to me that we have had this debate now revolving around not just Ed-Flex, but Super Ed-Flex, about the accountability, a word that was never mentioned for the 20 plus years that I have been involved in this by that same group of people. They have avoided it, because the NEA and the people who support them are petrified of true accountability.

For all of these years we have been trying to push it. Now we have something in place, school standards that are supposed to actually provide that kind of accountability, and all I am asking from you, from anyone on the panel, but especially you, Dr. Moloney. If you have faith in the standards we have already implemented, not just in Colorado, and, Chester you go around the country and review what every state has done, and I do have some concerns that I have expressed in the past, but do you have faith that those standards are strong enough to withstand the kind of arguments that we know are going to get as we progress along the lines of greater accountability and flexibility?

Dr. Moloney. Let me go to that. Parenthetically, I would note that Congressman Martinez is right, state regulations are often worse than federal regulations.

Quickly, to answer that, a Pennsylvania story. Some years ago, myself, superintendent in the city of Easton, and superintendent in the city of Bethlehem and my colleague Tom Delusio, we went to the state school chief. He said, "what do you want?" We said, "we want you to trust us as much as you trust people in private schools. Give us the freedom."

Now in the city of Denver right now, 71 percent of our minority parents want to go to private schools. They even want to go to schools that aren't of the same religion. Jack Jennings, who used to work here, will say this is the millstone that is dragging down public education. It is freedom, and it is accountability. We can debate standards. We don't have world-class standards, not even close, but they are the best standards we ever had simply because we never had any standards. So freedom and accountability. If there is a final thought, give us that. We can do that. Public education can restore itself to the glories of its past.

Mr. Tancredo. Can he finish answering the question, Mr. Chairman?

Chairman Goodling. Dr. Finn.

Dr. Finn. Congressman, state standards are not all satisfactory, but as the commissioner just said, they are the only standards we have got. We are not going to have national standards for these subjects, and it is also the case that even the heavily regulated top down model of ESEA, such as the administration unveiled yesterday, also ends up depending on state standards in terms of what the children are supposed to end up learning. The question is what will cause those state standards to be attained. In the administration's view, it is regulation from Washington. In the Straight A's view, it is

freedom for the state combined with accountability for results.

The state standards are the only standards we have got in this country except in schools that are freed up such as charter schools to set their own. And I think state standards need a lot of work in most states. Colorado's are sort of upper middle in my ratings, but they are not perfect. But this is the place to lodge responsibility and authority.

Mr. Tancredo. Thank you.

Chairman Goodling. Mr. Payne.

Mr. Payne. Thank you very much. I have certainly been listening with interest to the question regarding this time that it takes to keep up with the paperwork of the federal Government.

One of you testified that 50 percent of the administrative time is taken up by the seven percent that the federal government gives, which is kind of astonishing. Evidently the states, and I hear contradictory things where the states are asking for a lot of information, so I can't understand how 50 percent of the bureaucracy is in relation to the seven percent that the federal government provides.

But be that as it may, my colleague left, and he was talking about being petrified by the NEA and how we are captives on this side by the NEA. I would rather be captives of the NEA rather than captives of the NRA, who feel that we should not have any kind of provisions for teenagers being able to buy guns at gun shows, and so I think he has got his letters a little bit wrong. I wanted to yield and let him respond to that, but he isn't here.

The other question that I have is the fact my other colleague Mr. Hoekstra, who is gone, talked about the federal government trying to do all of these things and hire teachers. This is the first time that I heard that the federal government wanted to hire our teachers, and he said to build our schools. I wanted to ask him about where the federal government was asking to hire the teachers. I heard President Clinton say that every kid in grades 1 to 3 should have a class size under 18, so I assume that Mr. Hoekstra opposes that. I suppose that the schools in his district are under 18 students per class. In my school district and when I taught in public schools, I had 45 kids, and we still have those numbers in Newark and other urban areas. And so I just would liked to have asked him, and I would have yielded my time to ask what is wrong with trying to have 18 kids in a classroom in grades 1-3?

Also for the federal government to build schools, the average age of the school is about 100 years old, and I am looking forward to the federal government, I spoke at a school the other day that was built in 1853, and I thought I would speak about slavery because it was going on at that time. I don't understand this opposition to the federal government supporting helping crumbling schools where the 100- and 150-year-old schools cannot handle the wiring for the high tech.

The other question that I do have, and I do have a question, although I am also lecturing, and I am afraid of the gavel, so I am going to ask the question, Dr. Finn, you seem to be the father or the grandfather, maybe the father…

Mr. Finn. Can I just be a cousin?

Mr. Payne. …cousin will do of this Super Ed-Flex, and it says here that states would have to deal with student achievement, and they would have in place a system of awards and penalties based on achievement or lack of it, performance.

Once again, when we are talking about seven percent of the budget, if indeed a school district fails, the seven percent that comes from the federal government I guess there will be a penalty, and penalty being perhaps it may be taken away because 93 percent may have something to do with the seven percent not working. So I wonder, could you explain the penalty phase and how that works with the federal government in this rewards and penalties question?

Dr. Finn. Yes, sir. Others may have a different take on it.

On the rewards side, my suggestion would be that the successful state both get its Straight A's arrangement renewed so that it continues to enjoy freedom, and that it receive some kind of a bonus payment for its success.

On the penalty side, I would suggest that the failing state be cast back onto the categorical programs and lose its freedom which it has not used well. We can debate whether categorical programs work well, but it would lose its freedom, and I believe that some bit of its federal money should be docked, maybe only its administrative expenses. Maybe it should have to put up a 10 percent matching payment. I believe there ought to be some fiscal sanction for failure. It should be cast back into the regulatory briar patch of the categorical programs.

Chairman Goodling. Mr. Roemer.

Mr. Roemer. Thank you, Mr. Chairman.

I have heard Ed-Flex mentioned a number of times today, and I co-authored that piece of legislation with my good friend and the distinguished former Governor from Delaware Mr. Castle.

At the White House the other day when the President signed the bill, we had two Democrats and two Republicans at the signing ceremony, and we talked a great deal about the twin components of flexibility and accountability. That bill made it through the United States Congress, and all 50 Governors supported it very strongly. I am proud to have worked on that legislation.

One of the hurdles that we ran into as that legislation wound it way through both of these bodies was that we had a 12 state pilot program and that we pointed to two or three states that had done an exemplary job or a very good job and really were very good role models for the rest of the states. We have now expanded it to all 50 states, and we are hopeful that the other 47 states can follow some of the models that we have mentioned here today in the past, with Texas and Maryland and a few other states.

Dr. Finn, you and I have had many discussions, we exchange ideas and agree and disagree, but why should we move so quickly, having just passed Ed-Flex, to doing this for all 50 states with even more flexibility when we have just accomplished this and we are worried. You have just said that state standards need a lot of work.

Dr. Finn. Well, congratulations on extending the Ed-Flex program to all states. I think this is a progress, and I am glad the others are going to have an opportunity to try it. They will not all do well with it.

If the alternative were a proven, slam-dunk, national federal categorical program that we know works, we might be a lot more cautious about freeing up states to try different approaches. The alternative instead is 34 years of a failed top down national federal program that has spent upwards of a hundred billion dollars and has not achieved its results.

The opportunity before you is to allow some states, and I don't believe that a large number of them would take advantage of it. The Congress may want to put a limit on how many are allowed to take advantage of it and treat this as a more explicit pilot program, although that would not be my preference.

The opportunity is to allow states that are willing to try something different with their main federal aid in ways that the current Ed-Flex program doesn't allow, such as moving money from one activity to another, would be given that chance, rigorously evaluated, held to a level of results that the existing Ed-Flex program doesn't do, and made to demonstrate their results to see whether this works better than the alternative before us which was unveiled yesterday at the White House, and which I think might work, but I would sure be reluctant to impose that on 50 states, too.

Mr. Roemer. I am always willing to try bold and creative ideas, and sometimes I am applauded for them, and sometimes I am criticized for them.

One of the concerns that I have about moving so fast on this proposal is that I hear all of this talk from our panelists to provide all of this freedom and flexibility, and I haven't heard a whole lot of talk, although I might agree that a lot of things need to change when a 34-year-old program has not accomplished some things, I have not heard enough talk about finances.

The Title I program was directed for targeting to the poorest of the poor children in this country, and of these 4-1/2 million of these children that don't get any of this money. We have children in Philadelphia and Houston that have 62 percent poverty and are eligible for free lunch programs that don't get any of this money. So maybe they are

failing, but it is not because they are getting Title I funds.

Now, are you willing, as you quote Paul Vallas in your statement, at a hearing the other day, he said, we need flexibility, but we need finances. We need help. If we are going to stop social promotion, we need help with after-school programs and more quality teachers. We need help in summer school programs to teach these kids to read. Where is the other "F" for the freedom and finances here?

Dr. Finn. Congressman, I assume that federal spending on education is going to continue to increase, and the question is whether it is going to increase in the existing programs or in a different way. I have no objection to it increasing. I would like it to increase in such a way that it produces results rather than just expenditure.

Mr. Roemer. So are you for an increase in the federal funds?

Dr. Finn. I would favor an increase in aid to disadvantaged children provided that those running the programs at the state and local level are give the ability to run the programs in ways that they think will work.

Mr. Roemer. Such as Ed-Flex?

Dr. Finn. That is a good example. If we are talking about the largest ESEA reauthorization without respect to Straight A's or Super Ed-Flex, then we can talk about other ways of adjusting the existing formulas or ESEA programs or requirements or budgets, and I would be happy to. That might be a matter of a different discussion.

Mr. Roemer. Thank you, Mr. Chairman.

Chairman Goodling. I want to thank all of you for being here today. It has been a long morning. I appreciate your staying during the votes that we had to cast.

In the Straight A's program, of course, the categorical programs stay on the books. The same lobbyists continue to lobby for those same categorical programs. Nothing changes along that line. Again, thank you very much for coming to testify today.

[Whereupon, at 12 noon, the committee was adjourned.]

APPENDIX A – THE OPENING STATEMENT OF THE HONORABLE BILL GOODLING, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF PENNSYLVANIA

STATEMENT BY REP. BILL GOODLING (R-PA)
CHAIRMAN
HOUSE COMMITTEE ON EDUCATION AND
THE WORKFORCE

HEARING ON "ACADEMIC ACHIEVEMENT
FOR ALL: INCREASING FLEXIBILITY AND
IMPROVING STUDENT PERFORMANCE AND
ACCOUNTABILITY"

THURSDAY, MAY 20, 1999
9:30 A.M.

RAYBURN HOUSE OFFICE BUILDING
ROOM 2175

Ladies and Gentlemen:

I am pleased to welcome our members, witnesses and other guests to our hearing this morning on the Academic Achievement for All proposal--the "Straight A's" proposal.

The Straight A's proposal gives states a choice. States can either continue operating Federal education programs the old way, or at their option, they can try something new. I want to emphasize the

word "optional." The new thing they could do is combine certain K-12 Federal education funds in exchange for strict academic accountability.

For too long there has been little or no true academic accountability in Federal education programs. This proposal would bring quality, performance and academic results onto center stage. In exchange, a proportionate amount of flexibility would be granted to the states. Straight A's recognizes that states and school districts may have better ways of achieving academic results. In many respects, this would be modeled after Texas' successful state accountability system where performance and results are central.

The President, Secretary Riley and many others have been arguing in past weeks and days for more accountability. Well, this is it. It's accountability for academic achievement for all groups of students; and it's flexibility for combining funds.

The Governors support the concepts incorporated into Straight A's. Governor Gray Davis (D-CA), for example, in talking about academic accountability on *Meet the Press* agreed to be held accountable for student performance if the Federal

government would give the governors the flexibility to get the job done. And the 1999 agenda for the National Governors Association calls for changing the Elementary and Secondary Education Act so states can more effectively coordinate state and local education programs with the federal programs. The Straight A's proposal would promote better coordination by allowing funds to be combined and used for any education purpose permitted by state law.

Groups as diverse as the Heritage Foundation on the right, to the Education Leaders Council and the Progressive Policy Institute in the middle, to the Education Trust on the left have all expressed keen interest in the concepts in this proposal. Some of these have endorsed the proposal while others continue to review it. But there is great interest in it.

Some may argue that Straight A's is a back door way to take Title I money from the poor. That's not true. Under the proposal, the amount of Title I money received at the school district level would at least be what it was the preceding year. In addition, academic accountability would apply to all groups of students and be disaggregated as set forth in Title I for each of the groups.

In summary, Straight A's is optional. It does not eliminate any K-12 program. It just gives states a different approach to consider. And it links freedom in managing Federal education dollars to strict academic accountability.

Finally, I would like to welcome each of our witnesses to the hearing this morning and thank them for taking time to be with us. At this time I would turn to the ranking member for any statement he might have.

APPENDIX B – THE WRITTEN STATEMENT OF DR. CHESTER E. FINN, JR., PRESIDENT, THOMAS B. FORDHAM FOUNDATION, WASHINGTON, D.C.

Why We Need "Straight A's"

Testimony prepared for delivery to the

Committee on Education and the Workforce

U.S. House of Representatives

May 20, 1999

Chester E. Finn, Jr.
President, Thomas B. Fordham Foundation and
John M. Olin Fellow, Manhattan Institute

Mr. Chairman and members of the Committee: I appreciate the opportunity to talk with you today. The "Straight A's" proposal—properly known as the "Academic Achievement for All Act" and formerly also known as "Super Ed Flex"—is one of the boldest and most promising ideas for reforming the 34 year old Elementary and Secondary Education Act. My purpose this morning is to explain how it would work and why this is worth doing, and to plead with the Committee to resist the temptation to soften, compromise or defang this proposal.

First, let me sketch the proposal itself. Think of Straight A's as a way for interested states and districts to become like giant charter schools, with sweeping exemptions from federal rules and red tape so long as their education results measurably improve. Participating states—this would be entirely voluntary—will enter into a contract with the federal government, one that allows them to spend their federal education funds as they judge best for a fixed period of time–I suggest five years–while requiring them to demonstrate bona fide academic gains during that time.

Or think of Straight A's as a block grant with teeth. The main complaint against conventional education block-grant proposals is that, while they liberate states from regulations and categorical constraints, they do not ensure that children learn more. Straight A's is different. It would reward (with continued freedom and perhaps a funding bonus) those states that succeed in lifting student achievement. It would hold laggards accountable by casting them back into the regulatory briar patch, embarrassing them, and perhaps reducing their funds or levying a charge on them. (I attach to my testimony an excellent paper by Nina Shokrai-Rees of the Heritage

Foundation that supplies additional detail about how Straight A's would work. I also attach an essay entitled "Thirty-Four Years of Dashed Hopes", by Marci Kanstoroom, Michael Petrilli and myself, which makes the case for bold E.S.E.A. reform. It is contained in *New Directions: Federal Education Policy in the Twenty-First Century*, which was published in March by the Thomas B. Fordham Foundation and the Manhattan Institute. The entire volume can be viewed on our website—http://www.edexcellence.net—or obtained in hard copy by phoning 1-888-TBF-7474.)

Bear in mind that Straight A's is voluntary, something to be undertaken only by states and districts that are prepared to try this approach. It exists alongside the categorical E.S.E.A. programs as these may be revised during the present reauthorization cycle. States that prefer to stick with the familiar categorical approach may keep using it. Nor does Straight A's tamper with any of the funding formulas that determine how much money a state receives. A state opting for Straight A's gets no more or less federal money than it would receive under the categorical approach. What it gets is freedom—and probably a bit more program mileage from the available dollars due to the reduced need to devote resources to federal red tape. A state that opts for Straight A's can consolidate its dollars from as many different federal programs as it wishes. (I suggest that all the formula-based programs other than I.D.E.A. and Impact Aid be included on that "menu".) It could spend the money as it sees fit—on better teachers, higher standards, different tests, programs for disabled children, smaller classes, etc.

In return for that freedom, the state agrees to one big and important condition: it must boost pupil achievement, demonstrating those gains on instruments of its choosing, which may include state-level National Assessment results or other tests and assessments. The state will establish specific, measurable objectives for student performance, making clear what gains it is proposing to produce and how it will demonstrate them. These indicators must be agreed upon in advance by the state and the Education Department. Moreover, a state's achievement gains must include its disadvantaged students—not just the overall statewide average—and the data must be disaggregated in such a way as to make this plain. (If federal funds for bilingual education are part of a state's Straight A's package, the state must also show gains by students who are acquiring English proficiency.)

The "theory" of Straight A's was clearly stated by California governor Gray Davis, appearing on *Meet the Press* in February. Here is how he put it: "So if you say to the states, 'We'll hold you accountable. You just improve student performance, and we'll give you the money,' that will give all the governors the flexibility to get the job done."

Paul Vallas used similar reasoning when he explained—in a superb speech in March—the crucial elements of the bold reforms that he and his colleagues have been making in Chicago. He didn't have more money to work with. What he had—and has made adroit use of—was, in his words, "flexibility with money and work rules, high standards and expectations, accountability from top to bottom...and a willingness to take advantage of options." It seems to me no coincidence that Vallas has already

voiced his support for Straight A's and indicated that he will endeavor to make use of it for Chicago if Congress affords him that opportunity.

Straight A's picks up and extends the themes that Gray Davis and Paul Vallas have been sounding: conferring authority on states, communities and schools in return for serious accountability for academic results.

Under Straight A's, Washington assumes the role of shareholder, not CEO, of the nation's education enterprise. Rather than micromanaging the day-to-day uses of federal money, it lets states manage their schools and dollars as they see fit in return for an agreed-on return on the federal investment.

There's a key conceptual breakthrough and strategic shift built into this idea. For as long as anyone can remember, the main lever of federal education policy has been carefully prescribing where Washington's money goes and what it can be spent on. But scant attention has been paid to the academic results that money helps make possible. Sure, there's plenty of lip service to goals, standards and accountability associated with federal programs. But when push comes to shove, the only federal terms and conditions with real teeth—the only kind that compel state and local officials to take notice and respond—are those governing the allocation and use of the money, not whether the children learn more.

Straight A's gives brave, innovative states and districts the opportunity to focus instead on results and to be flexible in their use of the money. It's exactly the same reasoning as we see in charter schools. It says that, at the end of the day, results are what we really care about, and those results have to do with academic achievement

above all else. If achievement rises, particularly for low income children, why should Washington care whether the dollars that produced that desirable result were spent on smaller classes or larger classes, on computers or textbooks, on tutoring programs or staff development, etc.?

This is a momentous change and not one that will come easily to the federal government. Already, we hear murmurs of "hold harmless" arrangements within Straight A's so that, for example, no district or school would lose federal money that it is accustomed to receiving. We hear talk of earmarks and setasides so that a participating state or district would be required to spend as much of its Straight A's allocation on, say, safe and drug free schools, or technology, or staff development, as under the parallel categorical programs. We hear rumors of other strictures on where the money must go within the state or how it must be spent.

I implore you to resist these temptations. As soon as you start placing restrictions on where and how the money is spent, you will have eviscerated the Straight A's idea. Then it won't be worth enacting.

Please remember: Straight A's is itself a kind of pilot program. We have no way of knowing how many states or communities will have the gumption to take this considerable risk and shoulder this weighty responsibility. Producing better academic results is challenge enough–and failure to deliver the promised results will be humiliating and costly. There is no need to make that tough assignment even harder by placing added constraints on participating jurisdictions. A senior education official in a major state told me the other day that, while he finds the Straight A's concept plenty

interesting, he is not sure his state will participate. Why? Because the seven percent of its education budget that comes from Washington doesn't afford that much leverage on the whole statewide education system. And Straight A's could prove embarrassing if his state goes on record as promising certain results that it then fails to deliver. Is freedom with respect to seven percent of the budget sufficient inducement to take that risk? He's not sure. (In fact, it's considerably less than 7 percent, because nobody is suggesting that I.D.E.A. or Impact Aid dollars be included in Straight A's, nor are the many non-formula grant programs included.)

If Congress complicates Straight A's with hold-harmless and setaside provisions that reduce the state's or district's freedom over that humble portion of its budget, I expect we'll see very few jurisdictions prepared to take the risk of promising improved academic achievement.

Where I do believe Congress should be fussy is on the results-accountability side. A state that promises improved achievement must demonstrate that it in fact delivers that result, and it would be reasonable to insist on disaggregated data for key demographic groups within the state, especially low income children and racial minorities. Like some members of this Committee, I have been impressed by Texas's approach to monitoring academic achievement in its schools, particularly the ever-rising achievement standards and the careful school and district level disaggregation of performance—and would think it reasonable to ask Straight A's states to report their own progress in similar fashion, provided, of course, that they have bona fide flexibility

in their uses of the money and genuine freedom from regulation so far as how they make that progress.

Make no mistake. Straight A's should not allow states to ignore their disadvantaged students. To the contrary, by placing consequences on results, it will force participating states to focus laser-like on lifting the academic achievement of *all* their pupils, particularly their low income children. This doesn't happen very well under present law.

To underscore my central point: the opportunity presented by Straight A's is the opportunity to shift federal policy from managing inputs to demanding results, from red tape to academic achievement. Congress took modest steps in this direction in its recent reauthorization of the Perkins Act, the Workforce Investment Act, and the newly expanded "Ed Flex" program (although this does not go very far in terms of either freedom or accountability.) Now we come to the centerpiece of the federal role in K-12 education, a galaxy of categorical programs that, year in and year out, have failed to produce the desired results. The opportunity is at hand is to determine whether a different approach may work better. Not, let me repeat, to impose a different approach on states and communities, simply to allow those that wish to try one the freedom to undertake a proper test.

We can see a loose parallel with the recent history of welfare reform, a vexed policy domain where it was widely understood that the old policies were not working yet there was nervousness about changing them. During the period before national welfare reform, some innovation-minded states had the opportunity to negotiate what

amounted to mega-waivers with the federal government so that they could try different approaches of their own devising. This turned out to be a very fruitful use of states as "laboratories of democracy". Much was learned and, in time, much of what was learned was used to reshape national welfare policy.

Now it is time to let states and communities innovate with their federal education dollars. Three and a half decades after the Elementary and Secondary Education Act began, there is widespread agreement that its programs aren't working, aren't achieving their intended results, and are getting in the way of promising state and local initiatives. It's time for Washington to try different approaches. The Straight A's proposal suggests a bold but responsible way to do precisely that.

This is not a quixotic scheme beloved only of policy wonks. It has been endorsed by a wide array of groups and organizations from the Progressive Policy Institute to the Education Leaders Council to the Christian Coalition. It has been hailed on the editorial pages of national newspapers. A number of Governors and mayors have indicated strong interest. It has been embraced by House Speaker J. Dennis Hastert. It has gained the favorable attention of members of the House and Senate on both sides of the aisle. I am particularly pleased by the high degree of interest shown by members of this Committee.

But we must also acknowledge that changing established programs and familiar policies is difficult and that settling the details of the Straight A's proposal will mean grappling with a number of complicated issues. In the remainder of my statement, I would like to suggest answers to several of these important questions. Let me thank

you once again for the opportunity to appear today and indicate my readiness to answer any questions that you may have.

Q. Wouldn't it be wiser to exclude the Title I program or treat it separately?

A. This would be a crippling blow. Title I comprises about two-thirds of the money available to a participating state or district. Without those resources, the leverage supplied by Straight A's to a reform-minded state or district is insufficient to expect serious improvement in overall academic results. And if hold-harmless provisions or other serious restrictions are placed on the use or distribution of Title I dollars, Straight A's is probably not worth trying. It is unlikely that any states or districts would even volunteer for it.

Let me also repeat: Straight A's *is in addition to* whatever improvements the Congress makes in the underlying categorical programs. It does not substitute for desirable reforms in those programs. I hope you will consider doing both. (For example, many supporters of Straight A's, myself included, also find much merit in the E.S.E.A. proposals recently made by the Progressive Policy Institute.)

Q. What about giving districts, as well as states, the Straight A's option?

A. Several large local school districts, such as Chicago, have already indicated that they would be interested in trying Straight A's even if their states do not choose to participate. Mindful that this wrinkle will add a degree of complexity, there is much to be said for affording them this opportunity. The more difficult question is whether a local district should also have the opportunity to *opt out* of Straight A's if its state chooses to participate. My view is that Congress should respect the 10th Amendment and not compromise the ability of a reform-minded state to commit the entire state to this opportunity for innovation.

Q. Who decides whether a participating state's proposed improvements in academic results are sufficient? Who audits to determine whether the state actually produces the results that it promises?

A. Straight A's involves a contractual relationship between the participating state (or district) and the federal government, presumably represented by the U.S. Department of Education. Just as a school charter depends on agreement being reached between the school "operator" and the charter "sponsor" as to the results that this school will produce and how they will be demonstrated, so must the cognizant federal agency consent to a state's Straight A's proposal and monitor its performance. But it would be wrong for the federal Education Department to impose its ideas about what results a state should produce. The federal agency's chief responsibility is to hold the state accountable for producing whatever academic gains the state itself proposes to make. "Sunshine"–and the power of public opinion–will also play a key role in ensuring accountability.

Q. What is a state's reward for success–and the consequence for failure?

A. A state that produces the promised gains should of course get its "freedom" renewed for an additional term. I also favor creation of a "bonus" pool or payment by which a successful state receives additional funds. Failure should cause the state to be cast back into the regulatory thicket of categorical programs. Failure will bring considerable embarrassment to the state as well. Congress may also wish to consider "docking the pay" of a state that fails to deliver the results it promised or requiring the state to spend more of its own money to keep the federal funds flowing. (If Congress is nervous about reducing program dollars, even where the state has failed to make effective use of them, it might opt simply to cut a state's administrative funding from Washington.)

Q. What if a state is partly successful?

A. The criterion should be "substantial attainment" of the promised academic gains. Such determinations could be made by the Secretary of Education, perhaps with the advice of an independent body of some kind. (Suggestion: consider creating a "peer review" panel that includes representatives of all participating Straight A's states and districts.) The fairest way to resolve this may turn out to be a "sliding scale" that gives a partial reward for partial success.

Q. Will there be no check at all on the uses that a state makes of its Straight A's dollar?

A. Straight A's dollars should be spent only on education, not on unrelated activities, and a participating state must annually report on the actual uses it has made of these dollars. These reports should, of course, be made public and may be audited by the Department of Education or the General Accounting Office. But the participating state should be free to spend its Straight A's dollars on whatever education activities it chooses.

Q. Can a state substitute Straight A's funds for its own funds?

A. Once again, the emphasis of Straight A's ought to be on the results a participating state produces, not how it uses its money. I would not object, however, to a statewide maintenance-of-effort provision under which a Straight A's state could not reduce its overall spending on education.

Q. What happens if it's clear within a year or two that a Straight A's state or district is faltering badly–due to incompetence, a change of leadership, whatever–and has little chance of producing the academic gains it promised. Must the federal government tolerate this for the full five year term of its contract?

A. Just as a charter school can be closed down during the term of its charter if the sponsor finds malfeasance, harm to children, or violations of the terms of the charter itself, so must the Department of Education have the authority to terminate the Straight A's relationship. (As with appraising a state's success, however, I believe this

would best be done with the advice of an independent peer review body. Such a move is far too momentous to be undertaken for bureaucratic whim or political motives.)

Q. How will we know whether Straight A's, over all, is a successful experiment?

A. The Congress should attach a rigorous independent evaluation to Straight A's–including an appraisal of the Education Department's handling of its side of the relationship!

Overview: Thirty-Four Years of Dashed Hopes

Chester E. Finn, Jr., Marci Kanstoroom and Michael J. Petrilli

Washington's role in K-12 education needs a major overhaul. The existing programs are ill-suited to today's pressing education problems. Many of them do more harm than good. Washington is funding the forces resisting change rather than those working for change. It's time for a fundamental shift to a new mission of raising student achievement and enhancing school effectiveness. Reorienting federal policy so that it is about today's goals rather than yesterday's paradigms will require imagination and courage. Washington should set high academic achievement as the top priority for U.S. schools; parents and states should be trusted with key decisions affecting children; and real accountability for results should replace compliance with rules.

Since 1965, when Washington embarked on its first major primary secondary education initiative, federal policy has strongly influenced America's schools. Although education is generally considered a state responsibility, Uncle Sam has made it his business to try to right a number of educational wrongs. To these ends, the federal government has intervened, first on behalf of children who were seen as poorly served by local schools, and later on behalf of a broad range of goals that states were seen as ignoring. Today, the federal government pursues its education agenda through a wide range of programs, sixty of them, worth over $11 billion, are included in the mammoth Elementary and Secondary Education Act (ESEA), which was last reauthorized in 1994. While federal dollars make up only about 7 percent of America's total budget for K-12 education, Washington's role is enormous when it comes to setting state and local priorities and determining the tenor and content of the national conversation about education. As the 106th Congress begins the process of reauthorizing ESEA, the time has come to assess how well federal education policy is working.

> *. . . the existing programs are ill-suited to today's pressing education problems, harmful to the main mission of schools and to serious efforts to reform them, and unsuccessful even in their own terms.*

Our appraisal finds that Washington's role in K-12 education needs a major overhaul. By and large, the existing programs are ill-suited to today's pressing education problems, harmful to the main mission of schools and to serious efforts to reform them, and unsuccessful even in their own terms. As Diane Ravitch writes, "All were established with high hopes, but none has lived up to the expectations of its sponsors. All are ripe for reform."[1]

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Why Federal Programs Need to be Overhauled

1. They are ill-suited to today's education problems

Framers of the original Elementary and Secondary Education Act faced a very different set of problems than we face today. Their challenge was to expand access to schools and services on behalf of children who had been left out or badly served. The largest federal education programs—for needy children, for youngsters with disabilities, for those who do not speak English, etc.—were about ensuring equality of opportunity. This has now largely been accomplished in terms of access to education services. Today, the principal problems that the nation faces—and that needy youngsters in particular face—are very different. Although access to education is now virtually universal, the schools that many children have access to are mediocre. They are neither effective nor efficient and they do not produce the desired results. On a host of international comparisons, the achievement of U.S. students is at the middle (in reading) or bottom (in science, math, and geography) of the rankings. The National Assessment of Educational Progress (NAEP) reports that 38 percent of fourth grade students do not even attain "basic" achievement levels in reading. In math, 38 percent of eighth graders score below basic level, as do 43 percent of twelfth graders in science.[2] Achievement (and school-completion) levels for minority children and inner-city residents are catastrophic. Once the pacesetter in graduation rates, the United States now trails other advanced countries even on this dimension; our high school completion rate of 72 percent places us second to last among twenty-nine industrialized nations.

The world has changed in the three decades since federal education policy gained its present contours. The programs we have inherited from the 1960s and 1970s were created to respond to very different challenges from those that we face today. They are based on assumptions that are now outdated, and were conceived for a purpose that has now largely been accomplished. Washington's efforts (and dollars and regulations) have not turned U.S. schools into world-class institutions because that was never their central purpose. "If measured by the goals of removing legal barriers and providing equality of access," Ravitch comments, "federal policy has been successful. Now federal education policies must attach the highest priority to strategies that boost student performance for *all* groups."[3]

As Washington shifts from the old goal of equalizing opportunity to the new mission of elevating pupil achievement and school effectiveness, a host of programs and policies will need to be updated. Can programs designed to boost supply and increase access readily be recast to raise educational achievement? Not easily, if at all, we think, and certainly not by means of minor adjustments and marginal amendments. A much more fundamental overhaul is called for.

2. They are harmful to the main mission of schools and to serious efforts to reform them

The thirty-year-old programs that soldier on today, and more recent programs based on similarly outdated goals, may now do more harm than good. "Has the federal role in educa-

tion that has developed served to improve or damage American K-12 public education?" Paul Hill asks. His own judgment is that, while they have often "caused changes that helped low income and minority children, federal programs have often done harm to those same children's education—and everyone else's—by weakening the schools."[4]

Hill observes that, by diverting funds and energy away from the main mission of schools—general instruction—and toward special programs for particular populations, federal programs have torn schools apart. They have undermined them and caused them to lose their organizational coherence. The suggestion that federal programs now actually interfere with successful education is seconded by Michigan Governor John Engler: "[Federal programs] cause schools to set false priorities and waste time 'going after grants' and they encourage faddish and short-lived 'reforms' that die as soon as 'funding streams' run dry ... In short, the federal categorical education programs do worse than nothing. They divert and distract schools from their ultimate mission: educating children."[5]

It is not only schools that are distracted from their main task; those who could keep them on track also become distracted. States seeking to pursue serious reform find themselves lost in confusion or snarled in red tape. William Mulonéy, Colorado Commissioner of Education, and Richard Elmer, Deputy Commissioner, write that the involvement of the federal government "has served to confuse nearly everyone."[6] Lisa Graham Keegan, Arizona State Superintendent of Public Instruction, writes that state and local decision making is distorted by "the lure of federal dollars tied to programs with hazily-defined goals and well-defined regulations."

The sheer number and complexity of those regulations, the requirement that each program must be separately accounted for, and the huge number of state (and, often, local) enforcers whose sole function is to manage an individual federal program, make life difficult for anyone hoping to reform the schools. Keegan counts 165 employees in the Arizona Department of Education who are responsible for managing federal programs, that works out to 45 percent of her staff being paid to oversee about 6 percent of Arizona's total spending on education. "Every minute we spend making sure we're in compliance with all those pages of federal regulations means one less minute we can spend helping teachers with professional development, improving curriculum, developing our own testing standards, and ensuring that all children are getting all the help they need to succeed," Keegan writes.[7] According to Governor Engler, administering these programs requires so much staff that only 48 cents of every federal education dollar actually reach the classroom in Michigan.

Washington's regulations not only promote waste, but also foster a mindset of complying with rules rather than getting the job done.

Washington's regulations not only promote waste, but also foster a mindset of complying with rules rather than getting the job done. Bureaucrats must account for the funds, but not necessarily for instructional productivity. Mulonéy and Elmer write. Years of regulation based on process rather than results have fostered bureaucratic behavior at all levels. "These are the requirements." "We never did it that way before." "It sounds good but the feds would never allow it."

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An immense bureaucracy has developed and must be sustained by continuous infusions of federal funds. It isn't only federal employees, but also extensive colonies of federal program administrators in state and local education agencies that absorb dollars. Too much money goes to underwrite administrators and middlemen rather than to educate children. Diane Ravitch describes the challenge: "At present, American education is mired in patterns of low productivity, uncertain standards, and lack of accountability. Federal education programs have tended to reinforce these regularities by adding additional layers of rules, mandates, and bureaucracy. The most important national priority must be to redesign policies and programs so that education funding is used to educate children, not to preserve the system."[8]

3. They are unsuccessful even in their own terms

The third problem with today's programs is that they aren't achieving the goals that Congress set for them. Title I, the centerpiece of the federal role in education and its most ambitious effort, has become perhaps its greatest disappointment. The largest program (now nearly $8 billion annually), Title I was designed to focus attention on the educational needs of disadvantaged children and then meet those needs by providing their schools with additional money to be used for compensatory services such as tutoring. While this program may have succeeded in making the education of disadvantaged children a priority, it was also intended that Title I would narrow the actual achievement gap between poor and advantaged children.

Thirty years and $100 billion later, more than a hundred local and state evaluations of the program have concluded that Title I has failed to meet that goal, reports Tyce Palmaffy. Two large federally funded studies have attempted to determine what this program has accomplished; both found that it has had—at best—a marginal effect on student achievement. "[T]here was no indication in the Prospects data that participation improved students' educational outcomes," concluded the more recent of these studies, which tracked 40,000 students for three years.[9] Summing up an extensive analysis of the program, *Los Angeles Times* reporter Ralph Frammolino writes, "The federal government's largest education grant program, despite spending $118 billion over the last three decades, has been unable to meet its goal of narrowing the achievement gap between rich and poor students."[10]

Numerous attempts to repair the program have made little difference. As veteran Title I observer Stan Pogrow recalls, we've tried "supplying services to needy students outside of the regular classroom during the school day (pull-out services), furnishing extra help in the classroom, providing help after school, helping individual students, helping groups of students, and improving whole schools. At different times the emphasis has been on developing basic skills, advanced skills, and self concept. Each new initiative has been accompanied by brave talk from federal officials, practitioners, and researchers as to how this time they had it right. Each apparent failure stimulated new coalitions to push for different approaches in the next reauthorization cycle. Some approaches have been recycled several times."[11] Even its staunchest advocates are increasingly frustrated by Title I's long-term failure to close the achievement gap, although some of these same constituencies are already arguing that it's still too early to tell whether 1994's "sweeping" changes have had any impact.

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What about some of the less ambitious ESEA programs? The Eisenhower Professional Development Program was designed to improve teaching in math and science. Initially created to develop math and science teachers' knowledge and skills as a way of addressing the poor performance of American students in those subjects, it funds activities that are supposed to emphasize in-depth understanding of subject matter and to provide opportunities for teachers to reflect on their teaching. This is an altogether worthy purpose today, as it was when the program began in 1984. As Diane Ravitch notes, "Students are unlikely to be high achievers unless their teachers are knowledgeable in the subject they are teaching. Yet many teachers, particularly in mathematics and science, are teaching 'out-of-field'—that is, without either a major or a minor in their main teaching assignment."[12] Fully 39.5 percent of those whose main teaching assignment is in science are teaching out of field, as are 34 percent of math teachers. For the average teacher, however, the Eisenhower Professional Development program provides only a single workshop of six hours or less. It has essentially no effect on teachers' knowledge of the subjects they are responsible for imparting to their pupils, find John R. Phillips and Marci Kanstoroom.[13]

The Safe and Drug-Free Schools program suffers similar shortcomings. For the daunting task of ridding schools of illegal drugs and violence, districts are offered paltry sums of money. And these grants are spent in ways that seem unlikely to make much of a dent in the problems of drug use and violence among youth—on trips to amusement parks and puppet shows, for instance. Even the most popular curricula that have been designed by companies with an eye toward Safe and Drug-Free Schools funds have no demonstrated effects on student drug use or violence. What is most distressing is that there is no effort to hold anyone accountable for how they spend these funds. When he examined the program for this volume, journalist Matt Rees found that state education agencies often knew little about how their Safe and Drug-Free School grant money is spent, and Washington knew even less. The General Accounting Office investigated accountability in the Safe and Drug-Free Schools program in 1996-97. According to Rees, the GAO's most compelling finding was that "there is no method in place to determine the program's overall effectiveness."[14]

The idea of the federal government driving education reform from the top down has itself been turned on its head by energetic states and schools that are now the key sources of new ideas.

A longer list of federal programs cannot definitively be branded failures but that is primarily because their aims are so nebulous or trivial that they could not possibly fail. The main thing they do is move money around. The Ready to Learn Television program spends $7 million to develop educational TV programming focused on school readiness. Three million dollars in Women's Educational Equity grants are used to train teachers and guidance counselors to implement gender equity policies. No effort has been made to evaluate their effectiveness because there are no standards for success.

On the whole, today's federal elementary-secondary programs have not achieved their own goals. Worse, they do not even take aim at the main problems facing schools today, while managing to get in the way of those who try to reform schools. Paul Hill writes, "No one can claim that the current chaotic system of laws, regulations, constraints, and preferences is the

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best one that we Americans could design for our children."[15] And now that we understand the recklessness and harmfulness of so many federal programs and policies, what could justify persevering with more of the same, or engaging in minor amending when what is called for is a thoroughgoing overhaul?

Back to Basics

To rethink the ESEA programs and modernize the federal role in education, we must first rethink the ideas that underlie them: not only our dated notions about the problems but also our antiquated concepts of how to solve them. The federal role should be recast around today's problems and priorities rather than those of the mid-1960s, and also around today's understanding of the real sources of energy and innovation in education.

The main federal programs were designed when it was believed that what chiefly ailed U.S. education was a shortage of services and resources, particularly for those with special needs. Programs arising from that worldview are bound to be ill-suited to an era when mediocrity rather than inadequacy is the country's premier education woe.

Today's federal programs were also designed for a time when states and communities were seen as untrustworthy: set in their ways, ill-informed, miserly, sometimes discriminatory, ignorant of education research, and resistant to effective practices. In this view, Washington's role was to foster innovation, justice, and the dissemination of knowledge. Today, however, that no longer makes much sense. States (and some communities) are taking the lead in transforming U.S. schools. Washington's programs and policies often get in their way.

Charter schools are a good example. These independent public schools of choice are hugely popular with parents, seem to boost pupil achievement, and appear to meet the needs of children and families. Thirty-five states have enacted laws providing for them, yet Washington for the most part pretends they don't exist. A charter school that caters to low income or disabled pupils ought to be entitled to the same federal aid that these children receive in other public schools, yet the program formulas, regulations, administrative practices, and red tape make it difficult for charter schools to get their fair share of these funds. (This is not too surprising when you consider that Washington's chief "partner" in these programs is the very local education agencies that charter schools seek to escape from.) When not ignoring charter schools, Uncle Sam often blocks their way. Parents of children with special needs who choose a charter school that runs special education in an unconventional way are apt to find their child's school under investigation by the federal Office for Civil Rights. The federal Department of Justice is also apt to breathe down their necks to see if they are in full compliance with decades-old desegregation orders.

The idea of the federal government driving education reform from the top down has itself been turned on its head by energetic states and schools that are now the key sources of new ideas. Far from being stodgy, recalcitrant, and ignorant, the states today are bubbling labs of education innovation. "In a friendly way, we governors compete with one another," writes Governor Engler. "We all watch carefully the policy initiatives advanced by our col-

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leagues and how well they are working in their states and we look for ways that they might work in our own."

Texas and North Carolina have both recharged their schools by building comprehensive accountability systems with real carrots and sticks. Both states begin by administering tests that measure whether students have met the state's academic standards. The states rate all schools based on how well their students measure up on the tests, and schools that consistently fail can be taken over, reconstituted, or closed. Schools that make real progress are rewarded with extra cash. Perhaps not coincidentally, these two states posted the biggest gains in scores between 1990 and 1996 on the National Assessment of Educational Progress.

Arizona has tried a different approach. Schools are given more independence, and accountability is provided both by the marketplace and by new statewide standards and assessments. Parents can send children to the schools of their choice, which now include more charter schools than any other state has.

While a number of states are leading the way with imaginative reforms, few of these innovations are emerging from the traditional education bureaucracies. This points to a third way in which federal education policy is antiquated. Today's programs were designed for a time when state and local school systems were assumed to be Washington's allies in education reform and also the main source of solutions to problems. Billions of federal dollars have been channeled into these state and local education bureaucracies—and along the way they have come to be treated as Washington's client and chief constituency. Instead of a model that encourages schools to meet the needs of their students, parents, and communities, we have a model in which schools answer to the compliance demands levied by three tiers of federal program administrators. Moreover, entrusting virtually all the federal dollars to SEAs and LEAs means that they are frequently beyond the reach of change-minded governors, mayors, principals, teachers, and community groups. It often appears that Washington is subsidizing the agencies that need to be changed rather than those who want to change them.

Federal programs need to be overhauled because these old paradigms are obsolete. Too much has changed since the programs were designed. The essential nature of the education problem facing the United States is different, a crisis of quality, a crisis that needs the national government to focus on student performance and school effectiveness. States and some communities are today's innovators. Washington needs to get out of their way—or, better, do whatever it takes to foster and facilitate their efforts.

A Rare Opportunity

Today America faces a unique chance to overhaul the federal role in education. As Congress reauthorizes ESEA, the federal role could be substantially reshaped via this one statute. The time is clearly ripe. Education was the number one issue on voters' minds in 1998, outdistancing even Social Security, health care, taxes, and the economy. Surveys make it clear that parents and taxpayers want more from their education dollars, and in particular, want stronger student performance in basic skills. They see quality schools as crucial to economic opportuni-

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ty for their children and for long-term prosperity for their country. They want standards to be set high and they want real accountability for results. As William Galston has explained, "People are getting very, very impatient. They are willing to do more. But they are not willing to invest more in the status quo."[16] Many states have been heeding this call, launching bold school reforms that are starting to show good results. They are demanding quality from their schools and students and insisting on real change in their institutional arrangements. They are willing to pay the financial price for increased quality, too. Now is the time to make bipartisan progress on education—while the economy is strong and the budget balanced.

Reorienting federal policy so that it is about today's goals rather than yesterday's paradigms will require no small amount of imagination and courage. The country's experience with welfare reform is a promising model. For decades, liberals and conservatives argued over whether welfare payments were the way to solve social problems. Only in the 1990s did voters of all stripes begin to move past abstract disputes to see the basic welfare system itself as deeply flawed. Not only were its programs unsuccessful in achieving their goals, they actually did harm, especially to children. Bipartisan agreement that the old system needed overhauling produced a radical reinvention of the program. The familiar system of entitlements and regulations was essentially scrapped, replaced by a flexible block grant to states to come up with creative ways of solving social problems. Bringing ESEA into the modern era will require similar courage and imagination.

In our view, there is one and only one transcendent national education objective worthy of being enshrined in federal policy in 1999: higher academic achievement for all students.

The watchwords of the new federal role should be excellence, accountability, and innovation. Federal programs should respond to parents and children, not bolster the system. Washington should aid, not hinder, reform-minded states and communities.

How can we best ensure that tomorrow's programs focus on student performance and encourage states and communities to pursue reform? Minor tweaking won't do it. Most of these programs have too much wrong. Reinventing federal education policy means more than clearing a bit of regulatory underbrush. It means thinking hard about the fundamental nature of the federal role in education and asking the most basic questions about what Washington should be doing in this field.

The Big Questions

As we see it, Congress needs to make three basic decisions about the future federal role in education. From these should flow the key details about strategy and programs. First, ought Washington to focus henceforth on the single priority of boosting academic achievement or continue to embrace a plethora of objectives? Second, once national priorities are set, who should be entrusted with money and control to ensure that we reach them? Third, should accountability be based on compliance or results?

1. Should Washington focus henceforth on the single national priority of boosting academic achievement or continue to embrace a plethora of objectives?

Ever since President Reagan's National Commission on Excellence in Education (1983), a consensus has been forming in America: high academic achievement must be a top national priority. In order to remain competitive and cultivate citizenship, our students must learn much more than they are learning now. This conviction is neither conservative nor liberal, neither Republican nor Democrat.

But while Congress has paid lip service to student performance as a priority for ESEA and other programs, it has also embraced myriad objectives that relate in various ways to schools or to education but that are essentially peripheral to academics. As the reports in this volume illustrate, most federal education programs arose when a president or Congress sensed a need to respond to some urgent problem. A crack cocaine epidemic was sweeping the cities and politicians feared that a generation of schoolchildren would be swept along. A report announced that seven out of ten high school graduates who head directly from school to work lack the skills needed to succeed in the workplace. Computers had arrived and not enough Americans knew how to use them. And so forth and so on. Washington's response to every such alarm was to add new priorities and create new programs.

The School-To-Work (STW) program, launched in 1994 to upgrade the skills of the nation's workforce, demonstrates this phenomenon. Reacting to a study that found many high-school graduates unprepared for the jobs awaiting them, STW was (and is) intended to provide job training and career awareness activities for all students. Instead of making coursework more interesting and rigorous for work-bound students, however, STW has encouraged the introduction of dubious experiential curricula for all students, with work-related activities displacing academic coursework. This was especially disappointing since many of the workplace skills that students lack are the same ones developed through rigorous academics. But Congress set a priority (workplace readiness), provided a bit of money, and in so doing altered the objectives of thousands of schools.

A similar story can be told about the Safe and Drug-Free Schools Program. Who could argue that our schools ought not be safe and drug-free? Should this be a national priority? But of course. In the rhetoric of the 1980s, we were fighting a "war" on drugs. Wars are fought by nations. They are great national crusades.

So a new education program was created and funds started to flow. In addition to academics, schools now needed to focus on being safe and drug-free places. And as priority-shaping goes, the strategy worked: these new funds—trickle though they were—served to change schools' missions. Instead of focusing all their federal dollars on teachers and books, schools began to spend some on anti-drug assemblies and metal detectors.

This kind of approach pulls schools in multiple directions and diffuses their mission. Maybe curbing drugs and ensuring safety is worth that cost. But maybe federal policymakers would do better to show restraint—and political courage—by committing to academic achievement to the exclusion of all else. National energy and federal money can only go so far. Schools can

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do only so much. And for better or for worse, national priorities and federal dollars set much of their agenda.

In our view, there is one and only one transcendent national education objective worthy of being enshrined in federal policy in 1999: higher academic achievement for all students and schools. Academics is what schools are best at—maybe all they're really good at—and if we're serious about improving academic performance we must encourage all our schools to focus on this core mission. Everything else, however worthy, is peripheral and secondary—or is important but must be done by any school as a precondition for solid academic achievement. Good schools will be safe and drug-free places. They will graduate young adults who are ready for the workplace as well as for further education. But the only priority Washington should worry about is academics. It should worry about this a lot, make sure all of its programs aim towards that end, and eliminate all incentives and practices that distract or confuse schools in their pursuit of that end.

2. *Once national priorities are set, who should be entrusted with money and control to ensure that we reach them?*

There are four obvious options here. Congress can send money and power to federal agencies, to states, to local school districts, or straight to parents. How should it decide? Whom should it trust to do right by children?

Much of the power today is vested in federal bureaucrats, as it has been since 1965. In 1965, this seemed to make sense. "National experts" were revered. States and communities seemed like "part of the problem." The country's leading education problems—a lack of supply and equity—could be tackled by distant policymakers and the movement of dollars. But the world has changed since 1965. A very different problem--the quality gap—is now the issue. Federal bureaucrats have lost their Olympian detachment and become protectors of "their" categorical programs. Many states and some communities have become education innovators and zealous reformers. At a time when many American institutions are pushing problem-solving power closer to the problems themselves, strong control at the national level seems out of step. It also seems ineffective.

That doesn't mean there is no role for Uncle Sam. Most people agree, for example, that he has done a decent job of gathering data and assessing student achievement. Especially if states and communities are to make most important decisions in education (more below), an independent audit of their results is vital. Washington—and perhaps only Washington—should play this role.

What about local school districts? They have traditionally been the federal government's partners in implementing education policy—especially through the Title I program. Can they be expected to take the reform ball and run with it? The historical record is not encouraging. Though today there is welcome movement in some districts, for the most part these local monopolies have worked to block most major education reforms. The bolder the reform, the more vigorous the blocking. Thus many have resisted external standards and accountability and almost all have fought charter schools and other forms of parental choice. As for their

federal funds, many local agencies have become "little more than colonies peopled by federal program administrators," Paul Hill writes. Fiefdoms within school district bureaucracies battle over money that really belongs to the kids.

What about the states? There is no doubt that they possess the primary constitutional authority for education, and that many now benefit from reform-minded governors dedicated to improving their schools. These governors have pushed through an impressive list of reforms in the past several years. Almost all states have some form of academic standards and assessments (though many of these aren't very good). Accountability is becoming a reality at the state level: according to Education Week's *Quality Counts*, thirty-six states now publish "report cards" on local schools, nineteen identify low-performing schools, sixteen have the power to take over, close, or reconstitute failing schools, and fourteen states reward high-performing schools with extra resources. Thirty-five states have charter-school laws, and other types of public-school choice are spreading. While many states have a long way to go—and many state education departments are calcified bureaucracies in their own right—their school reform zest is palpable.

Apart from special education, current federal policy mistrusts parents—especially poor parents—and doesn't consider them competent to make important decisions for their children.

What about parents? Though they play a crucial role in federal *higher* education policy, which is fundamentally student-centered and responsive to family decisions, they have no place in the important decisions about federal K-12 programs. To be sure, some statutes pay lip service to "involving parents" in various ways. But they have never served as much more than advisors. Children have been placed in federal programs such as Title I without the consent (and often without even the knowledge) of their guardians. Students with Spanish surnames may be registered for federally funded bilingual classes designed to increase their literacy in both English and Spanish regardless of whether their parents want them to increase their Spanish literacy (and, in some cases, even when the youngsters are not Spanish-speakers). Low income students may be "pulled-out" of class and given special instruction in math or reading by a classroom aide who may or may not have a college degree. Dissatisfied parents have had little recourse, other than to petition their school or their local school board. Apart from special education (where motivated parents can have a great deal of say), current federal policy mistrusts parents—especially poor parents—and doesn't consider them competent to make important decisions for their children.

Dozens of school choice programs of various kinds have, however, shown that parents—including low income, minority, and immigrant parents—want educational options and can make reasonable decisions for their children. A Hudson Institute study found that most charter-school parents choose their school for sound educational reasons. Studies of choice programs in New York, Washington, and Dayton, Ohio are yielding similar findings. Parents are, of course, ultimately responsible for the well-being of their children. Shouldn't they be trusted to make important education decisions for them? Does Washington have any business excluding them?

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Of these four possible levels of power over decisions and control over money (federal agencies, states, local districts, and parents), we view states and parents as those most likely in today's context to make wise education decisions on behalf of children. Constitutional authority and much of the energy for change are to be found in the states, especially in their governors' offices. Federal policy should reinforce and strengthen them in their reform efforts. Federal money should flow to the states—wherever possible to the governors—and any strings getting in their way should be snipped. At the same time, programs should be held accountable to parents through the levers of choice and parental consent.

3. Should accountability be based on inputs, services and compliance with rules, or on academic performance and customer satisfaction?

In a compliance-driven model, states or districts must demonstrate that they are spending federal program dollars only for approved purposes and specified student populations. Accountability is tied to inputs and services. The primary burden that Washington places on SEAs and LEAs is to demonstrate that they have followed all the rules and procedures and spent all their federal dollars on federally approved activities.

A completely different conception of accountability would hold states and communities to account for the results that the money purchased. As in a charter school, they would enjoy much greater autonomy and decision-making power, but would be required to show stronger academic outcomes.

Today many states and communities complain about being snarled in federal red tape. "[N]ew programs come with reams of new federal reporting requirements and mandates that require more and more of the time of your teachers, principals, and superintendents," Lisa Keegan writes. This is certainly how Title I has worked for more than three decades, despite various efforts to simplify it.

Other programs are neither fish nor fowl. Many distribute funds to states to pursue specific goals—reducing drug use, for instance, or boosting teacher quality—but without many rules to guide how the funds are spent. These programs resemble miniature block grants in all ways but one: there is no true accountability mechanism, no way for Washington to ensure that the funds yielded results. In the Safe and Drug-Free Schools program, for example, schools can spend their funds on a wide range of activities so long as these display some remote connection to the possibility of discouraging drug use (or violence) among students. Such loose requirements mean that program funds have been spent on everything from giant toothbrushes (presumably to teach students about dental hygiene) to entertainment guides for non-alcoholic parties.

How should such programs be reconstructed? Either turn them into true categorical programs and specify in detail just how the funds must be spent, or else back off and give states and communities true freedom while insisting on demonstrable results.

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From Principles to Action

In this essay, we've described the basic problem with federal education policy: it is based on antiquated assumptions and does not target today's most urgent needs. We've noted the opportunity afforded by the upcoming ESEA reauthorization to recast the federal role. Finally, we've posed three big questions and offered our best answers. These answers lead us to a few core principles to guide the reauthorization process:

1. High academic achievement should be a top national priority—and Washington's only educational priority.
2. States and parents should be empowered to make important education decisions.
3. Accountability should be based on academic results.

What would these principles look like turned into action?

The most obvious way to focus Washington's efforts on one big priority is to consolidate all the myriad federal programs other than Title I into a single big program. Instead of pulling states in many directions with dribs and drabs of dollars, federal education policy would stand for one thing and one thing only—academic achievement. Uncle Sam would put all his money where his mouth is.

Empowering states to make important education decisions for themselves meshes easily with the idea of making one big federal education program out of many. All ESEA program funding (save for Title I) should be entrusted to the states in the most flexible way possible—a single big block grant—so that governors and legislators can decide what is most needed to boost learning levels in their states. The dollars now being spent on wide ranging purposes could be used for education reform and innovation according to state priorities.

What about empowering parents to make important education decisions? That's where Title I comes in, because the parents who most need empowering are the parents of the disadvantaged children whom Title I was created to serve. It's those children who are trapped in unacceptable schools and subjected to faddish interventions. Making it possible for their parents to choose the best path to their academic achievement is an important strategy for federal education policy.

The success of results-based accountability hinges on the existence of good measures of academic results.

How to empower these parents? By insisting that Title I funds follow children to the school or education provider of their choice—be it the neighborhood school, a public school across town, a private school, a tutoring company, an after-school program, or a summer program. Instead of funding school districts, the federal government would fund children, much as Pell grants do for higher education. All poor kids would have funds "strapped to their backs." And we say ALL poor kids, because we favor the idea of expanding Title I funding to serve all eligible youngsters so long as the aid is truly portable, child by child and school by school.

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Once we've focused federal policy on one goal and entrusted states and parents with the power to make important decisions, basing accountability on results is not difficult. Congress can hold states accountable for their academic results by requiring that they participate in state-level NAEP. And to ensure that no population is overlooked, we should demand that data be published for student populations previously served by the old categorical programs (e.g., low income youngsters, students with limited proficiency in English, etc.). States that make significant progress on NAEP can be rewarded by an addition to their block grant. Those that fail to make progress after a reasonable time should be "punished" by having their funds reduced.

The success of results-based accountability hinges on the existence of good measures of academic results. Congress can make certain that there are, and send a signal that academic achievement is a top national priority, by ensuring that the National Assessment is free from interest group meddling and has the resources to provide timely information on our nation's (and the states') progress in all core academic subjects.

A Grand Bargain

This proposal—entrusting all ESEA funds to states except for Title I funds, which are "strapped to the backs of poor children," and ensuring that NAEP is strong and independent—embodies the principles that should guide the reauthorization process. But while we have little doubt that it would move the nation in the right direction, we also understand that it may not be embraced in the current political climate. Bold change in any direction is only possible in federal education policy today if bipartisan consensus emerges behind it. That's why incremental "tweaking" is the likeliest—albeit worst—course of action on Capitol Hill in the next two years. So let us ask: is it possible to imagine a bold and desirable reform scenario that could elicit bipartisan support?

It's at least imaginable that a "grand bargain" could be struck between left and right, a grand bargain that would move all of us past our various ideological limits and fundamentally improve the current education system.

It's at least imaginable that a "grand bargain" could be struck between left and right, between Democrats and Republicans, with respect to ESEA reauthorization, a grand bargain that would move all of us past our various ideological limits and fundamentally improve the current education system. For any such thing to happen, of course, each side would have to gain some objectives that it deems highly desirable, while conceding some positions that it might never have dreamed it would yield on. What might such a bargain look like?

1. *Turn Title I into a "portable entitlement" and fully fund it.* Diane Ravitch has written persuasively that Title I dollars should follow the child to the school of his or her choice. This will only work well if the program becomes a (real or virtual) entitlement such that it aids every eligible student. Today, Title I funds are neither universal nor portable; many eligible youngsters receive no Title I services from their districts, and those who do cannot count on having the services (or funds) follow them if they change schools. A "portable entitlement," therefore, would be good for poor children in two ways: it would aid them all, and it would aid them in the school of their

choice. In political terms, it would achieve a long sought liberal objective—universal coverage of poor youngsters with compensatory services from a fully-funded Title I program, and a central conservative goal as well—making Title I foster rather than retard school choice. (How extensive those choices are might be left to state constitutions and legislatures to determine.[17] States would also have to shoulder responsibility—possibly including a "mini-NAEP" test available for schools and individual children—for monitoring academic performance by students and schools.)

2. Give governors broad waiver authority tied to NAEP. Keep the other (i.e., non-Title I) categorical programs on the books in their present, or improved, forms but give governors the right to consolidate them into flexible packages if they choose. There is vast enthusiasm on Capitol Hill for Ed-Flex, a program which gives states some flexibility in the way they administer federal education programs. Congress may extend Ed-Flex to the fifty states, but Ed-Flex doesn't go nearly far enough. Congress should create a Super Ed-Flex that would allow a state to take some or all of its federal education dollars and use them for purposes of its own devising, free of red tape, in order to meet the state's reform priorities. In return, Super Ed-Flex states must participate in NAEP and must show academic progress (including progress by disadvantaged kids, LEP students, etc.) or risk losing some or all of its federal funds.

These two simple proposals would transform federal education policy—and enhance the school reform revolution currently underway in the land. Great political courage—on all sides—will be required to get them enacted. But perhaps it is possible. Americans are anxious for better schools. Politicians on left and right are promising results. Much is on the line. But talk of bipartisanship on education is also in the wind. As the millennium comes to a close, can we find common ground? Can we step out of thirty-four years of tired thinking and incremental tinkering with programs that have long failed our children? Can we make education policy with those kids in mind, instead of adult interest groups and political gamesmanship? We're far from sanguine about this, but we're cautiously optimistic.

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1 Diane Ravitch, in this volume.

2 Diane Ravitch, in this volume (math and science scores). NAEP reading scores were released by the National Assessment Governing Board on February 12, 1998.

3 Diane Ravitch, in this volume.

4 Paul Hill, in this volume.

5 John Engler, in this volume.

6 William Maloney and Richard Elmer, in this volume.

7 Lisa Graham Keegan, in this volume.

8 Diane Ravitch, in this volume.

9 Michael J. Puma, et. al., *Prospects: Final Report on Student Outcomes* (Cambridge MA: Abt Associates, 1997), 52.

10 Ralph Frammolino, "Title I's $118 Billion Fails to Close Gap," *Los Angeles Times*, 17 January 1998.

11 Stanley Pogrow, in this volume.

12 Diane Ravitch, in this volume.

13 John R. Phillips and Marci Kanstoroom, in this volume.

14 Carlotta C. Joyner, "Safe and Drug-Free Schools—Balancing Accountability with State and Local Flexibility" (Washington DC: General Accounting Office, 10 October 1997). Cited by Matt Rees in this volume.

15 Paul Hill, in this volume.

16 William Galston, National Public Radio Weekend Sunday, Washington DC, 8 November 1998.

17 States might extend these choices only to the public schools, or to charter schools and magnets. Some, however, may opt to include private schools, after school and summer programs, and programs managed by private firms.

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because the political cultures and constitutional limits are so varied from state to state, it would be unrealistic for federal action to try to override them. But CEDA should stipulate the eligible children must be afforded the widest possible array of options.

The Heritage Foundation
Backgrounder

No. 1261 March 9, 1999

WHY A "SUPER" ED-FLEX PROGRAM IS NEEDED TO BOOST ACADEMIC ACHIEVEMENT

NINA SHOKRAII REES AND KIRK A. JOHNSON, PH.D.

> So if you say to the states, "We'll hold you accountable. You just improve student performance, and we'll give you the money," that will give all the governors the flexibility to get the job done.
>
> —Governor Gray Davis (D) of California, February 21, 1999, on NBC's Meet the Press

Congress this week will consider a bipartisan measure to expand the current Education Flexibility Partnership Demonstration Act of 1994, or Ed-Flex, which empowers 12 states to waive federal regulations within certain federal education programs. The new measure (S. 280/H.R.800), sponsored by Senators William Frist (R–TN) and Ron Wyden (D–OR) and Representatives Mike Castle (R–DE) and Tim Roemer (D–IN), is endorsed already by the country's governors and would allow all 50 states this flexibility.

Certainly every state could use more flexibility to address its unique education problems, and S. 280/H.R.800 is a step in the right direction. Unfortunately, Ed-Flex does not go far enough. As Members of Congress consider the reauthorizations of the Elementary and Secondary Education Act of 1965 (ESEA) and Goals 2000, they should strengthen the accountability standards in Ed-Flex and include more programs and flexibility to create a "Super" Ed-Flex program.

Consider the following:

1. According to a U.S. General Accounting Office report last September, Ed-Flex's narrowly structured waivers "generally do not address school districts' major concerns."[1] The report concludes that "federal flexibility efforts neither reduce districts' financial obligations nor provide additional federal dollars", and,

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1. U.S. General Accounting Office, "Elementary and Secondary Education: Flexibility Initiatives Do Not Address Districts' Key Concerns About Federal Requirements," GAO/HEHS-98-232, September 30, 1998, p. 3.

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because the flexibility is limited to specific programs, the districts "ability to reduce administrative effort and streamline procedures is also limited."

2. Ed-Flex does not allow states to consolidate funds from different federal programs to use on their unique goals and priorities. For example, the priority of Arkansas Governor Mike Huckabee (R) in fiscal year (FY) 2000 is to equalize school funding. Governor Gray Davis (D) of California is investing in reading, teacher quality, and school accountability initiatives. And Florida Governor Jeb Bush (R) is championing a school reform package that offers, among other things, scholarships to students in Florida's worst-performing schools to attend a school of their parents' choice. Ed-Flex program funds cannot be poured easily into such initiatives without jumping through several bureaucratic hoops, and federal funds cannot be combined into a sizeable sum to help states to reach their goals more directly.

3. Ed-Flex does not include strict accountability measures to ensure that federal funds boost academic achievement. Education reform initiatives should improve students' academic achievement, not simply fulfill bureaucratic mandates. In its current form, Ed-Flex is not clear in defining academic achievement as its ultimate goal in awarding states greater flexibility. Ed-Flex states still are required to reach the goals of each individual program, however redundant those goals may be.

HOW SUPER ED-FLEX WOULD WORK

Under Super Ed-Flex, interested states or large school districts would receive maximum flexibility in administering up to 18 formula-based K–12 education programs (see the Appendix for methodology). In return, they would have to demonstrate improvements in academic achievement. Table 1 outlines how much each participating state would receive under Super Ed-Flex. In return for these flexible funds, a Super Ed-Flex program would set:

- **Clear performance objectives.** Each state or qualifying school district would enter into a binding agreement with the federal government (much like charter schools do with their sponsors) with clear performance objectives and a timetable for academic improvement. The plan would have to include target goals for students previously served by those programs. To test for academic improvement, states could use the state-level National Assessment of Educational Progress test, a commercial test, a state test, or another mutually acceptable test.
- **Rewards for meeting goals.** The federal government would institute a bonus pool of funds for states or school districts that met their performance goals.
- **The ability to remain in the current program.** States or school districts that did not wish to consolidate categorical programs under this plan would continue to operate the programs as prescribed under the new ESEA plan to be re-authorized by Congress.

Such a Super Ed-Flex program would fulfill two important goals.

First, it would acknowledge that education is a state and local prerogative and responsibility and allow states and localities to use federal funds (minus bureaucratic strings) to fulfill their unique goals.

Second, it would take a bold approach to reforming the current ESEA programs by shifting their focus to academic achievement instead of bureaucratic inputs. After 34 years and $118 billion, ESEA's key program, Title I, has not reduced the gap in achievement between low-income and upper-income students. President Bill Clinton has acknowledged this problem; but instead of unleashing the states and allowing them more flexibility in exchange for results, he is pushing for such specific programs as ending social promotion, creating report cards for schools, and instituting summer and afterschool programs. Instead of cutting federal red tape and allowing states and localities to figure out what is best for their students, the President is prescribing reforms that

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Table 1 B1261

Estimated Super Ed-Flex Appropriations by State

	FY99 Appropriation
Alabama	$208,531,713
Alaska	54,622,686
Arizona	213,527,793
Arkansas	127,375,914
California	1,559,250,463
Colorado	131,824,186
Connecticut	125,322,981
Delaware	40,411,216
District of Columbia	46,828,734
Florida	616,179,265
Georgia	333,675,764
Hawaii	42,581,558
Idaho	50,602,062
Illinois	534,908,764
Indiana	210,172,193
Iowa	96,696,808
Kansas	108,539,797
Kentucky	215,357,968
Louisiana	298,934,041
Maine	58,324,772
Maryland	178,043,316
Massachusetts	250,645,872
Michigan	542,705,226
Minnesota	164,324,710
Mississippi	192,802,176
Missouri	221,568,626
Montana	50,453,268
Nebraska	63,386,516
Nevada	48,725,122
New Hampshire	40,505,964
New Jersey	291,051,510
New Mexico	107,740,477
New York	1,112,442,264
North Carolina	256,417,335
North Dakota	41,081,616
Ohio	495,561,368
Oklahoma	160,802,384
Oregon	134,434,846
Pennsylvania	553,165,806
Rhode Island	51,451,457
South Carolina	158,822,787
South Dakota	43,392,040
Tennessee	217,072,216
Texas	1,086,537,900
Utah	74,059,557
Vermont	40,020,107
Virginia	209,045,526
Washington	212,872,421
West Virginia	114,109,372
Wisconsin	213,694,813
Wyoming	38,022,541
Territories and Other	550,842,183
Total	$12,989,470,000

Note: Amounts for FY 1999 are Department of Education estimates. Actual allocations may differ.
Source: U.S. Department of Education Budget Service. *http://www.ed.gov/offices/OUS/99StateTables/99prbyst.pdf*

overlook each state's unique makeup.

Super Ed-Flex would keep the ESEA and any changes made to it intact, but it also would allow some states maximum fiscal autonomy and flexibility to focus for the first time only on boosting the academic achievement of students. If a state like California adopted Super Ed-Flex, it would receive just over $1.5 billion of flexible federal money (see Table 1) to implement the governor's reading initiative or boost teacher quality. But it would have to show parents, taxpayers, and the U.S. Secretary of Education how it had improved the academic achievement of all its students. Texas, which currently is considered a model Ed-Flex state thanks to its strong accountability system, could receive nearly $1.1 billion under Super Ed-Flex to continue implementing its own reforms. It would need only to show how *all* its students were excelling on the Texas Assessment of Academic Skills Test.

CONCLUSION

Under a Super Ed-Flex plan, the federal government's role would resemble that of a shareholder whose interest lay in promoting results for taxpayers. Instead of micromanaging the day-to-day activities of the Super Ed-Flex funds, it would provide funding to states and localities in exchange for proof of agreed-on results. If the money invested yields a high return, a wise shareholder naturally will invest more; if not, he will have to come up with alternative ways to receive a better return for the invested dollars.

As Kentucky Governor Paul E. Patton (R) recently told *The Los Angeles Times*, "We need the federal government as a limited partner and us as a general partner." Super Ed-Flex respects this balance of power while assuring that every dollar spent on education is a dollar spent to boost academic achievement.

—Nina Shokraii Rees is Education Policy Analyst at The Heritage Foundation and Kirk A. Johnson, Ph.D., is Policy Analyst in The Center for Data Analysis at The Heritage Foundation.

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APPENDIX: METHODOLOGY FOR GENERATING SUPER ED-FLEX FIGURES

Super Ed-Flex would increase the number of Ed-Flex programs from 6 to 18. These would include primarily K–12 programs that disseminated federal funding to states and/or localities on a formula basis.[2] Currently, the Ed-Flex program allows only 12 states (Colorado, Illinois, Iowa, Kansas, Maryland, Massachusetts, Michigan, New Mexico, Ohio, Oregon, Texas, and Vermont) to consolidate the funding of just six programs:

- Title I of the Elementary and Secondary Education Act, Aid to Disadvantaged Children;
- Title II, the Eisenhower Professional Development Program;
- Title IV, the Safe and Drug-Free Schools and Communities Program;
- Title VI, Innovative Education Program Strategies;
- Title VII Part C, Emergency Immigrant Education; and
- The Carl D. Perkins Vocational-Technical Education Act.

Under S. 280 and H.R. 800, all 50 states would be able to participate in Ed-Flex. States also would be able to waive parts of Title III of the ESEA, Technology for Education.

Table 2 outlines the total FY 1999 appropriations if Super Ed-Flex existed today. Data are based on the FY 1999 figures developed in November 1998 by the Budget Service of the U.S. Department of Education. These figures are based solely on Department of Education estimates and may change over the course of the fiscal year. These figures do represent, however, the most current data publicly available on these programs.

Table 2 B1261

The 18 Programs That Should Be Included in Super Ed-Flex

	FY 1999 Appropriation
Goals 2000	$461,000,000
Title I Grants to LEA	7,676,020,000
Title I Even Start	135,000,000
Title I Migrant	354,689,000
Title I Neglected/Delinquent	40,311,000
Title I Comprehensive School Reform	120,000,000
Title I Capital Expenses for Private School Children	24,000,000
Title II Eisenhower State Grants	335,000,000
Title III Technology Literacy Challenge Fund	425,000,000
Title IV Safe and Drug Free State Grants	441,000,000
Title VI Innovative Education Program Strategies	375,000,000
Title VI Class Size Reduction	1,200,000,000
Title VII Immigrant Education	150,000,000
Title IX Indian Education Grants to LEA	62,000,000
Title X Comprehensive School Reform	25,000,000
Education for Homeless Children	28,800,000
Perkins Vocational Education State Grants	1,030,650,000
Perkins Vocational Education Technology Preparation	106,000,000
Total	12,989,470,000

Note: Amounts are Department of Education estimates. Actual allocations may differ.
Source: U.S. Department of Education Budget Service, *http://www.ed.gov/offices/OUS/99StateTables/99prbyst.pdf*

2 The two Perkins Vocational Education programs also are generally available for junior colleges and technical schools.

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Clarfin

Committee on Education and the Workforce

Witness Disclosure Requirement – "Truth in Testimony"
Required by House Rule XI, Clause 2(g)

Your Name:		
1. Are you testifying on behalf of a Federal, State, or Local Governmental entity?	Yes	(No)
2. Are you testifying on behalf of an entity other than a Government entity?	Yes	(No)
3. Please list any federal grants or contracts (including subgrants or subcontracts) which you have received since October 1, 1996: NONE.		
4. Other than yourself, please list what entity or entities you are representing: NONE.		
5. If your answer to question number 2 is yes, please list any offices or elected positions held or briefly describe your representational capacity with the entities disclosed in question number 4:		
6. If your answer to question number 2 is yes, do any of the entities disclosed in question number 4 have parent organizations, subsidiaries, or partnerships to the entities for whom you are not representing?	Yes	No
7. If the answer to question number 2 is yes, please list any federal grants or contracts (including subgrants or subcontracts) which were received by the entities listed under question 4 since October 1, 1995, including the source and amount of each grant or contract:		

Signature: _____ Date: 5/10/99

Please attach this sheet to your written testimony.

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CHESTER E. FINN, JR. May 1999
Biographical Summary

Chester E. Finn, Jr. is John M. Olin Fellow at the Manhattan Institute and President of the Thomas B. Fordham Foundation, of which he is also a trustee. From 1995 through 1998, he was a senior fellow of the Hudson Institute where he now serves as an Adjunct Fellow. From 1992 through 1994, he served as founding partner and senior scholar with the Edison Project. He is on leave from the faculty of Vanderbilt University where he has been Professor of Education and Public Policy since 1981.

A native of Ohio with an undergraduate degree in American history, a master's degree in social studies teaching and a doctorate in education policy and administration from Harvard University, Finn has made his career in education and government service. He served as Assistant Secretary for Research and Improvement and Counselor to the Secretary of the U.S. Department of Education from 1985 to 1988. Earlier positions include Staff Assistant to the President of the United States; special Assistant to the Governor of Massachusetts; Counsel to the American Ambassador to India; Research Associate in Governmental Studies at the Brookings Institution; and Legislative Director for Senator Daniel Patrick Moynihan.

He serves on a number of boards including the Center for Education Reform, the Foundation for Teaching Economics and the Colorado League of Charter Schools, as well as the advisory boards of the National Association of Scholars and the Center of the American Experiment. From 1988 to1996, he was a member of the National Assessment Governing Board, including two years as its Chairman.

Finn has been a visiting lecturer in more than a dozen countries. His participation in seminars, conferences and hearings has also brought him to colleges, education and civic groups, foundations and government organizations throughout the United States. His next book, Charter Schools in Action, co-written with Bruno V. Manno and Gregg Vanourek, will be published by Princeton University Press in 1999. Other titles among his eleven books include The New Promise of American Life, co-edited with Lamar Alexander (Hudson Institute 1995); Radical Education Reforms, co-edited with Herbert J. Walberg (McCutchan, 1994); Education Reform in the '90's, co-edited with Theodor Rebarber (Macmillan, 1992); We Must Take Charge: Our Schools and Our Future (Free Press, 1991); What Do Our 17-Year-Olds Know? (Harper & Row, 1987), written with Diane Ravitch, and Scholars, Dollars and Bureaucrats (Brookings, 1978).

Author of about 300 articles, his work has appeared in such publications as The Weekly Standard, The Christian Science Monitor, The Wall Street Journal, Commentary, The Public Interest, The Washington Post, The Washington Times, The Chronicle of Higher Education, Harvard Business Review, The American Spectator, The Boston Globe, and The New York Times. Finn has received citations and awards for his work from the Educational Press Association of America, Choice magazine, the Education Writers Association and the Freedoms Foundation at Valley Forge.

He and his wife, Renu Virmani, a physician, have two grown children. They live in Chevy Chase, Maryland.

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APPENDIX C – THE WRITTEN STATEMENT OF THE HONORABLE BRET SCHUNDLER, MAYOR, JERSEY CITY, NEW JERSEY

Testimony Submitted

by

Bret Schundler
Mayor of Jersey City, New Jersey

on the "Academic Achievement for All Act"

Before the Committee on Education and the Workforce

May 20, 1999

(87)

Mr. Chairman and Members of the Committee, I am grateful for the opportunity to speak in support of those principles and provisions being discussed for the proposed Academic Achievement for All Act (Straight A's Act). I believe that the proposal offers the type of systemic education reform which will improve student achievement and standardized test scores in cities and communities throughout the nation.

Prior to my service as Mayor of Jersey City, our schools became the first system in the United States to be directly administered by state government. Students who are now Juniors in high school were in the First Grade when the state seized control of Jersey City's schools in 1989.

Our annual school budget, which was $180 million at the time of the state's takeover, is now $380 million. Despite this enormous increase in spending for a district which has had a fairly stable population of about 32,000 students, test scores have shown modest improvement. More than half of those who enter our high schools still drop out and violence in our schools has increased.

The lesson learned from the takeover of Jersey City's public schools is relevant to this issue because the state made a fundamental mistake in believing that it could effect needed academic improvement and accountability in Jersey City without dramatically changing the basic public school paradigm. The state's emphasis on the centralization of decision-making, the promulgation of many rules, the considerable amount of paperwork imposed on our administrators and teachers, and an emphasis on accountability for compliance has, over a long

span, resulted in little more than just that, compliance. Rather than placing the emphasis on children, state education leaders have focused on improving compliance with a flawed education model. Today's governmentally controlled, uniform approach to education fails to acknowledge that each child has different needs which must be met in order to foster learning. Indeed, the state has failed to acknowledge that our problem is not a lack of money, nor is it a lack of committed, quality educators. Our problem is much more fundamental: there is simply no single, homogenized model of education that will work with a population as diverse, and often disadvantaged, as Jersey City's.

Children with special needs are not unique to our inner cities, but they are more abundant. For example, 41% of Jersey City families live on fixed incomes -- either welfare or social security -- while only 13 % of families statewide are on welfare. Urban centers also tend to be more ethnically diverse and to attract more recent immigrants. For instance, 14% of Jersey City residents immigrated to the United States within the last 10 years, and 41% of Jersey City children speak a language other than English at home.

With enactment of the Elementary and Secondary Education Act, Congress did something right. By providing benefits to low-income children without regard to where they go to school, Congress rightly recognized that government's proper concern is to assure a literate citizenry formed in wisdom and virtue while remaining neutral with regard to the management of the school. While access to basic educational services is no longer an issue, too many of the schools to which our poorest inner-city children have had access have been mediocre at best. Still, as long as these schools complied with the bureaucracy's rules and regulations, these schools were

left free to persist in their failure.

The Congress set an important precedent when it targeted benefits to the child without regard to the school he or she may attend. So too, the proposed "Straight A's Act" sets a most important precedent by shifting accountability from regulatory compliance to what ought to be government's only concern in education, academic achievement. By allowing a Superintendent the flexibility to bundle benefits and craft educational programs tailored made to the needs of his students, we unshackle the dedication and professionalism of many educators. The sixty programs comprising the Elementary and Secondary Education Act are, well intended. However, many of them have little to do with the reality of urban classrooms. Urban children are no less intelligent than their suburban counterparts; yet, many students come to school wounded because of family problems relating to alcoholism, drug abuse, poverty and neglect. Too often they encounter a governmentally controlled and uniform public education system which compounds that neglect by sending the message: "This is the way we teach children, if this doesn't work for you, too bad."

Though federal education funds constitute only 7% of all spending on K to 12 education, they have a profound influence on our public and private schools. Too often these programs substitute activity for learning and results. Just as government health funds would not carry instructions to a surgeon on how to perform a delicate surgical procedure, so too, government should respect the right of teachers, principals and parents, working together, to tailor educational programs in ways which which best meet the needs of the children they serve.

If local school districts are to have the flexibility they need to more effectively serve students, it is important that the federal government free states from the programs, rules and regulations which have only the appearance of serving real needs. In holding states and large school districts accountable for measurable academic results, we can hope and expect that state departments of education will shift from an emphasis on accountability for compliance to an emphasis on measurable results. The proposal you are considering is not another federal mandate. It merely provides the option to bold Governors and education leaders who believe that our public schools can do better. Those who wish to receive money and administer programs the old way will be free to do so. I would also strongly recommend that you give the option of the "Straight A's Act" flexibility to large school districts in any states which do not choose to participate. The problems and needs of a large urban district can be quite different and even at odds with those of the surrounding state. I would also urge that you provide the maximum degree of flexibility under the provisions of ESEA's Title I. It is here where dedicated teachers and principals need the greatest freedom to create the programs and the schools within schools, that can remediate so many of the learning problems faced by young urban children.

Finally, I would also urge the Congress to be mindful of the enormously important role that private and parochial schools play in our inner cities. One quarter of Jersey City students are enrolled in privately managed schools. Accordingly, they provide valuable alternatives to our public schools. Many students in these private schools receive services and the schools receive equipment through provisions of the Elementary and Secondary Education Act. It is important that they continue to do so.

The proposal you are considering presents an excellent opportunity for the Congress to address many problems that private schools have experienced under ESEA. Using the Local Education Agency (LEA) as a conduit of federal assistance has been inefficient and an obstacle for many private school students. I would urge that private schools be allowed to purchase goods and obtain services through State Education Agencies rather than the local school district. Under Title I, services to private school students in New Jersey are funneled through the district in which the child lives. Under Title II, IV and VI, services and the provision of educational materials is made by the district in which the school is located. Because many of our private and parochial schools draw students from a broad geogrphic area, some private school principals are required to attend meetings and abide by the procedures of more than a dozen public school districts. By making the provision of federally funded goods and services the responsibility of the State Education Agency (SEA), it is more likely that those with responsibility for providing services and products to the private school sector will be better trained and familiar with applicable law and regulations. It would also provide private school officials, who act in loco parentis in the appropriate use of these funds, with a single point of contact and greatly reduce time spent in meetings and regulatory compliance.

Again thank you for the opportunity to testify on this important education reform. With passage of this legislation Congress will provide a powerful tool to government leaders and educators who are determined to rescue "a nation at risk." Many thanks.

APPENDIX D -- THE WRITTEN STATEMENT OF DR. WILLIAM MOLONEY, COMMISSIONER OF EDUCATION, COLORADO DEPARTMENT OF EDUCATION, DENVER, COLORADO

58-414 99 - 4

EDUCATION LEADERS COUNCIL

Statement Of

WILLIAM J. MOLONEY

COMMISSIONER OF EDUCATION

STATE OF COLORADO

&

BOARD MEMBER, EDUCATION LEADERS COUNCIL

Submitted To

COMMITTEE ON EDUCATION AND THE WORKFORCE

U.S. HOUSE OF REPRESENTATIVES

MAY 20, 1999

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TESTIMONY OF WILLIAM J. MOLONEY
COMMISSIONER OF EDUCATION
STATE OF COLORADO
REPRESENTING THE EDUCATION LEADERS COUNCIL
MAY 20, 1999

Mr. Chairman and members of the committee, thank you for the opportunity to share my views and those of my colleagues in the Education Leaders Council (ELC) as you consider The Academic Achievement for All (Straight A's) Act.

I address you not only as the Commissioner of the Colorado Department of Education, but also as a member of the board of directors of the Education Leaders Council. The ELC is a national organization of reform-minded state education chiefs from Arizona, Colorado, Georgia, Florida, Michigan, Pennsylvania, and Virginia. Our membership also includes state education boards and individual state and local education board members. ELC member states have led the fight for high academic standards at the state level with rigorous assessments to measure student performance, increased educational choice through strong autonomous charter schools (over 65 percent of the nation's charter schools are in the seven ELC states), reforming the teaching profession and reducing regulations that stand in the way of increasing academic achievement. I have attached to my testimony ELC's resolution concerning the reauthorization of ESEA.

My own perspective on these matters goes well beyond my current office. Before my appointment as Colorado Commissioner of Education I served as a local Superintendent in Pennsylvania and Maryland, also a public school administrator overseeing federal programs in urban, suburban and rural districts in Massachusetts, Rhode Island and New York. In addition, Secretary Riley has honored me by appointments to three terms as a member of the Governing Board of the National Assessment of Educational Progress.

What I would like to do this morning is briefly speak of three things: (1) how the current law stands in the way of reform in Colorado; (2) what Colorado would do differently under Straight A's; (3) show what kinds of achievement goals Colorado would set over a five-year period under a Straight A's scenario.

Under governors of both parties - Democrat Roy Romer and now Republican Bill Owens - and with strong bipartisan support in the Legislature, Colorado has built one of the most powerful and coherent reform programs in the nation. It is a three part harmony: First, we set high standards for what kids ought to know and be able to do. Second, we established highly demanding

assessments to discover where we stood. Three years of test results show we have a long way to go: Over half our children failed to pass reading and writing.

The capstone of our reform program was enacted last year: Accountability. All districts must show specific numerical increases in student achievement or lose their accreditation.

Unfortunately during this six year effort our federal programs in general, ESEA in particular, have been missing in action. As every state effort leaned toward accountability for student achievement, ESEA remained as always a neutral phenomena based on inputs rather than results, more on accounting than accountability, an entity always more interested in what you were rather than what you were doing.

In Colorado, we are proud of such success as we have achieved. Nothing has been more heartening than the success of dozens of our poorest schools who have been lifting their student achievement against all the odds. The template for this success has been Bessemer Elementary in Pueblo, now made famous by Paul Harvey, USA Today and others.

In our state's first testing cycle only 12% of the students in this 88% minority school passed reading. Only 2% passed writing.

Though they could be offered no additional help under federal law, the teachers - shocked and publicly mortified by their pupils low performance - began to make a revolution, the particulars of which are well worth looking at. Within a year, the reading pass rate had climbed from 12% to 64%, the writing pass rate from 2% to 48%. In our latest test results released two weeks ago, Bessemer's surge has continued.

Most encouraging is that within the last year we are seeing all across our state the emergence of Bessemer "look-alikes" - less spectacular numbers, but clearly schools with high proportions of disadvantaged children making dramatic progress and beating statewide averages.

Unfortunately there are many more schools that are not moving ahead. Many in fact are going backwards. Under current law we are handicapped as regards doing what we need to do. Under Straight A's we would have the means to reach out to reward and replicate success.

We are more than willing to accept the risk of accountability if you help. Already operating under a doctrine of reasonable progress over reasonable time we are requiring that every district improve its scores 25% over three years until they reach our current bench-mark of 80% Proficient or Advanced. For every 3rd grader who fails Reading Comprehension, we require that schools develop and pursue an Individual Literacy Plan as long as it takes to get that child up to grade level. In both cases a district's Accreditation will turn on demonstrating specific and measurable success.

This is tough stuff. Not easy. No guarantees of success. But we are trying. Please give us help.

Over a third of a century ago I came to this city and I well remember the circumstances and most particularly the assumptions that created the Elementary and Secondary Achievement Act of 1965. Some of the language and many of the assumptions of that Act were lifted directly from the landmark Civil Rights Act of the previous year, in particular the notion that local people could not be trusted. Now as regards Civil Rights in that era there certainly were some local people - Bull Connor comes to mind - who richly deserved distrust but what a ghastly error it was to extend that mistrust to every school district in the nation and impose a stifling and inflexible set of regulations the only justification for which was that they would prevent local people from doing what they wanted rather than what their betters in Washington wanted. This attitude of hubris and arrogance was best described by David Halberstam in his classic The Best and The Brightest. Thus did the temper of the time - an age of good intentions gone awry - enshrine in major legislation such an act of mistrust.

In a quarter of a century of being responsible for the administration for the Elementary and Secondary Education Act of 1965, I have never found an adequate way to overcome this tragic design flaw. Only you can do that.

Today the cardinal forces driving American school reform are freedom and accountability. In our context you simply cannot have one without the other. As the whole nation knows, Colorado suffered the most horrible of tragedies on April 20th. I hope you will look at the attached statement from our state board of education. Elected from congressional districts like you, they have produced something you will find unusually compelling. What the whole nation does not know however is the terrible blow inflicted on public education by that event. It is one level of concern when your child comes home from school unable to read. It is an altogether different level of concern when your child does not come home at all.

The rising chorus we hear is as follows: "Poor old public education. Won't change. Can't change. Not getting any better. Maybe getting worse. Certainly getting more dangerous".

Now to all who care for public education I say, if this isn't a clarion call to bravery and boldness on behalf of change, I don't know what is.

Give us a little chance. Give us a little hope. Take a risk that our people from our mountain valleys and across our high plains will care as much as you, will try as hard, and in the end have the courage to accept the consequences of their own actions on behalf of their own children.

Much will turn on your answer. The stakes are enormous.

Thank you for allowing me to come here today. May God bless your honorable work.

STATE OF COLORADO

COLORADO STATE BOARD OF EDUCATION
201 East Colfax Avenue
Denver, CO 80203
(303) 866-6817

Seated January 12, 1999

Clair Orr
Chairman
4th Congressional District

Patricia M. Chlouber
Vice Chairman
3rd Congressional District

Ben Alexander
Member-at-Large

John Burnett
5th Congressional District

Randy DeHoff
6th Congressional District

Patti Johnson
2nd Congressional District

Cully Stanford
1st Congressional District

WHAT IS TO BE DONE: SEARCHING FOR MEANING IN OUR TRAGEDY

In the aftermath of the most terrible day in Colorado education, when the pain and grief of those who have suffered loss is beyond what words can express, all of us are asking the questions: "Why? How did this happen? What can we do to keep it from happening again?" The State Board of Education, adhering to its Constitutional responsibility, joins the Columbine community and the rest of the State in seeking the lessons that may be drawn from the awful tragedy of April 20, 1999.

As we seek the why behind this infamous event, we must find answers beyond the easy and obvious. How weapons become used for outlaw purposes is assuredly a relevant issue, yet our society's real problem is how human behavior sinks to utter and depraved indifference to the sanctity of life. As our country promotes academic literacy, we must promote moral literacy as well, and it is not children, but adults in authority who are ultimately responsible for that.

Our tragedy is but the latest – albeit the most terrifying and costly – of a steadily escalating series of schoolhouse horrors that have swept across the nation. The senseless brutality of these calamities clearly reveals that a dangerous subculture of amoral violence has taken hold among many of our youth.

We cannot pretend that we have not known about this subculture or about those elements of the mass media, from films to video games, from which it derives sustenance. Further, we must honestly admit that essentially we have done nothing to prevent these cultural cancers from spreading through our schools and society.

How often have adults questioning highly dubious youth speech, dress, entertainment, or behavior been decried as old-fashioned, or worse, attacked as enemies of individual expression? How often have parents or teachers reporting alarming predictors of violent behavior been told nothing can be done until someone actually commits a crime? So we do nothing, and then look upon the ruin of so many young lives while hearing those saddest of words: Too Late.

As a Board we believe, with Edmund Burke, that all that is required for the triumph of evil is that good men do nothing. We further believe that society must act now before it is too late for more innocent children. We also recognize that failing to act shall make us all accomplices in such future tragedies as may engulf our schools.

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Accordingly, we make the following recommendations for renewing that unity and strength of purpose that has historically bonded our schools, our homes, and our society.

I. IN OUR SCHOOLS

While our schools are at once the mold and the mirror of the democratic society they serve, they are not democracies themselves. Schools are founded and controlled by adults for the benefit of children.

The adults accountable for running schools must have the courage, ability, and authority to establish and maintain a safe and orderly environment maximally consonant with the purposes of schooling, i.e. the fullest possible achievement for every single child.

We recognize that in every time, and every society, there is tension between liberty and license, and frankly, we believe that the pendulum has swung too far in the direction of the latter.

Be that as it may, our school children should not be routinely victimized by the quarrels of the wider society. They deserve the shielding mantle of adult authority while they form and strengthen themselves for their own entry into adulthood.

We also recognize the routine cruelty and torment that can occur among adolescents in an unchecked peer culture. This is all the more reason for a strong and vigilant adult authority to prevent victimization of the vulnerable.

We know this won't be easy, and that it must begin with a decisive rollback of those harmful precedents that have so undermined the confident and successful exercise of legitimate adult authority upon which every good school depends.

We must stop disrespecting those who urge discipline and values. We must recognize that their cry is the legitimate voice of the American people. We must listen to respected voices – liberal and conservative – like Albert Shanker and William Bennett -- when they tell us flat out that our "easy" schools will never get better or safer without a massive renewal of their values, discipline, and work ethic.

Finally, we must remember, respect, and unashamedly take pride in the fact that our schools, like our country, found their origin and draw their strength from the faith-based morality that is at the heart of our national character.

Today our schools have become so fearful of affirming one religion or one value over another that they have banished them all. In doing so they have abdicated their historic role in the moral formation of youth and thereby alienated themselves from our people's deep spiritual sensibilities. To leave this disconnection between society and its schools unaddressed is an open invitation to further divisiveness and decline. For the sake of our children, who are so dependent upon a consistent and unified message from the adult world, we must solve these dilemmas. Other civilized nations have resolved divisions that are far more volatile. Surely, America can do as well.

II. IN OUR HOMES

We routinely preach about cooperation between home and school, yet too often our actions tell a different story. Too often, we undermine rather than support the values and authority of parents. Too often, we find them handy scapegoats for our own failures.

When countless surveys show our parents to be deeply concerned about the state of public education, something is seriously wrong and we ignore this at our peril.

This alienation has as much to do with parental concerns about safety and values as it does with persistent learning deficiencies. If we are to ask parents to use their authority to support those educating their children, then educators must use their authority to support the work and values of parents. Some schools are already doing this, but sadly in too many instances, these historic bonds of trust and mutual support have frayed badly or broken altogether.

We deeply believe that without a unified adult world, our children will continue to suffer the consequences of our doubts and divisions.

III. IN OUR SOCIETY

The connection between murder in our schools and elements of the mass culture is now beyond dispute. Only those who profit from this filth, and their dwindling bands of apologists deny the evidence of violence, hatred, and sadism routinely found in films, video games, and the like.

We believe it is no longer acceptable for an entertainment industry that spends billions to influence the behavior of children to deny that their efforts have consequences or that they have no accountability for sowing the seeds of tragedy.

If a utility poured sewage into our streets, an outraged public would not tolerate it. Should those responsible for the stream of moral sewage entering our homes and communities be any less accountable?

If we deem it proper to boycott, withhold public investments, and otherwise impose an economic penalty on companies for their labor practices, environmental policies, or countries in which they operate, how could we fail to move at least as aggressively against those who create, promote, and distribute media and other products for which there is no imaginable justification.

In closing we should be reminded that throughout our history our people have demonstrated a remarkable capacity for moral courage and self-renewal in times of great danger and challenge.

Perhaps across the ages we can hear the timeless words of Abraham Lincoln, and, applying them to our own circumstance renew his pledge...

"that we here highly resolve that these dead shall not have died in vain;
that this nation, under God, shall have a new birth of freedom"

With history as our judge, let us go forward together with a strong and active faith.

Authorized at a Special Meeting of the State Board of Education, April 21, 1999 and issued by our hand in the city of Denver, Colorado, at the regular meeting May 13, 1999.

Clair Orr
Clair Orr, Chairman
4th Congressional District

Pat M. Chlouber
Pat M. Chlouber, Vice Chairman
3rd Congressional District

Ben Alexander
Member-At-Large

John Burnett
John Burnett
5th Congressional District

Randy DeHoff
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6th Congressional District

Patti Johnson
Patti Johnson
2nd Congressional District

Gully Stanford
Gully Stanford
1st Congressional

William J. Moloney
William J. Moloney
Commissioner of Education

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EDUCATION LEADERS COUNCIL

ELC RESOLUTION ON ESEA REAUTHORIZATION

BEYOND ED-FLEX:

The Proper Federal/State Relationship

In The Delivery Of

K-12 Education

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The reauthorization of the Elementary and Secondary Education Act (ESEA) should be a time of bold innovation in American education. The federal role in K-12 education needs a fundamental overhaul, not incremental amending. The reform energies that abound in schools across America should be freed from federal red tape. The primacy of states in the provision of education must be recognized. Parents should be empowered. Local control should be respected. The dead hand of the federal bureaucracy and micro-management by thousands of pages of regulations attached to hundreds of separate programs should be ended. Three decades of ineffectual programs, wasting money, failing to accomplish their goals, and shackling innovation-minded local and state education leaders....all this needs to change. It's time for reform in Washington that's as fundamental and bold as the reforms now underway across America.

The members of the Education Leaders Council (ELC), who include the state education chiefs of Arizona, Colorado, Florida, Georgia, Michigan, Pennsylvania and Virginia, understand that education initiatives, policies and practices are most effective when generated closest to the children they aim to serve. Education policies fail when imposed upon communities by federal mandates and regulations. Congress can have a lasting impact in the delivery of education, by building on this principle in the reauthorization of ESEA.

All to often, federal, state and local education officials as well as many national education organizations focus on compliance with regulations rather than providing services that help children. Entrenched interest groups and bureaucratic fiefdoms, with their predilection for the status quo, have been hesitant about and even hostile to needed education reforms. Freedom to make decisions locally in exchange for accountability for results should guide federal education policy. What is needed today is a commitment to *trust* local educators, yet *verify* the accomplishment of children.

Pursuant to the "trust but verify" principle, ELC has called for unprecedented freedom for state innovation in exchange for the strong accountability measures which ESEA has always lacked. These are reflected in the following priorities:

- *Flexibility for states* in determining how federal dollars are spent and what they are spent on
- *Accountability* for results rather than simple compliance with spending categories, procedural controls and other regulations of input and process
- *High goals and expectations for all* students regardless of origin, income or location
- *Empowering parents, not bureaucracies,* by assuring that federal education dollars follow students to schools and programs of choice

The highly successful charter school movement sweeping through the states is a suitable model for a more productive partnership between the federal government and the states. Simply put, states should receive wide-ranging freedom in the use of their federal dollars in exchange for significantly greater accountability for results.

As in a charter school agreement, a participating state (or large school district) would enter into a five year contract with the Secretary of Education in which it offers to produce specified academic improvements (and indicates how these will be measured). In exchange, participating states would gain broad flexibility in deciding how their federal education dollars are spent to achieve the agreed upon academic results. Sometimes termed "Super Ed-Flex", this strategy includes the following essential elements:

- A participating state enters into a five year contract with the Secretary of Education in which it agrees to produce specified academic gains and states precisely how these gains be measured
- States specify how federal dollars will be spent to attain agreed upon academic results
- Participating states choose which federal programs they want to include in "Super" Ed-Flex. Eligible programs include all formula-based K-12 programs, except IDEA
- Funding levels would be based on existing formulas. Monies from these programs may be commingled and spent as the state sees fit. All categorical program regulations are waived for participating states
- Accountability: contracts must include clear performance objectives and timetables for achieving academic improvement. Achievement must be disaggregated by student categories. If Title I is included in Super Ed Flex, achievement gains must be shown for disadvantaged children. If Bilingual Education funding is included, gains must be shown for LEP youngsters. As indicators, states may use State-level NAEP, a commercial test, state standards-based assessments or another mutually acceptable test of academic achievement
- Renewal: states that produce the specified results get their contracts renewed. States that fail to produce agreed upon results, revert to categorical/regulatory approach
- Participation: no state is required to participate and all have the option of continuing with categorical programs which remain on the books
- Evaluation: GAO evaluation is required prior to next ESEA reauthorization cycle

ELC members are confident that this approach will deepen and sustain the tide of freedom, innovation and accountability currently sweeping the landscape in the states. It goes far beyond the stale "block grant" debates of earlier years by linking greater freedom with improved results. We at the state and local level are focusing on standards with rigorous assessments, enterprise and accountability while pushing authority and control of curriculum and budgets to individual schools. Through innovations like charter schools, preoccupation with academic achievement, and renewed emphasis on performance, we are giving schools true autonomy with respect to budgeting, curriculum and personnel and meaningful choices to parents in exchange for accountability for results. We urge the Congress to do the same.

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APPENDIX E -- THE WRITTEN STATEMENT OF THE HONORABLE RALPH M. TANNER, KANSAS STATE REPRESENTATIVE, DISTRICT 10, BALDWIN CITY, KANSAS, ON BEHALF OF THE NATIONAL CONFERENCE OF STATE LEGISLATURES, WASHINGTON, D.C.

NATIONAL CONFERENCE OF STATE LEGISLATURES
WASHINGTON OFFICE: 444 NORTH CAPITOL STREET, NW SUITE 515
WASHINGTON, DC 20001
202/624-5400; 202/737-1069 FAX

TESTIMONY OF

RALPH M. TANNER
KANSAS STATE REPRESENTATIVE

BEFORE THE

COMMITTEE ON EDUCATION AND THE WORKFORCE
OF THE UNITED STATES HOUSE OF REPRESENTATIVES

REGARDING THE ACADEMIC ACHIEVEMENT FOR ALL

(STRAIGHT A'S ACT)

May 20, 1999

Mr. Chairman and Members of the Committee:

Thank you for inviting me here today to present the views of the National Conference of State Legislatures on the proposed "Academic Achievement for All Act".

My name is Ralph Tanner. I am a member of the Kansas House of Representatives and currently chair the Education Committee in that body. I am an active member of NCSL's Committee on Education, Labor and Job Training of the Assembly on Federal Issues. Simply put, that Committee develops policy to guide NCSL in its advocacy efforts on behalf of the nation's 99 legislative institutions and 7,500 legislators.

Throughout my life I have been an educator. I taught in elementary and secondary schools, at a junior college and at my undergraduate alma mater, Birmingham-Southern College. In 1972 I was appointed President of Birmingham-Southern and have also served as President of Baker University. After two unsuccessful attempts at retirement, I ran for the Kansas House in 1994 and have been reelected twice since then. I offer you my work history as a confession to you that I do <u>not</u> come to

this hearing without significant baggage: I have seen our education system from virtually every angle and experienced it in every conceivable role. I have strong opinions about some issues. But I do not claim to have an answer for every issue.

In our recently concluded Assembly on Federal Issues meeting, NCSL's federal policy committee reviewed the Ed-Flex legislation and approved new policy on the federal role in education. That policy is included in my statement. Are Ed-Flex and a broader consideration of federal education programs linked? You bet they are.

NCSL applauds the Congress for passing Ed-Flex. For the first time in forty years, the Congress has acknowledged that the proliferation of minimally funded categorical programs has generated significant administrative burdens at all levels of government. Federal education programs duplicate administrative process. Because of differing eligibility and reporting requirements, it takes more than one third of our state education agency personnel to administer the five percent of our K-12 budget provided for by the federal government. Those funds should be going to class size reduction, reading programs or enhanced

learning opportunities, not to administration. Of course the irony of Ed-Flex is that elected state policymakers are required to cede some of their statutory and regulatory authority to our State Education Agency in order to be eligible for relief from federal red tape. Although Kansas was one of the six original demonstration states, it is too early to evaluate the impact of Ed-Flex in Kansas. We have faith that it will be an improvement.

But Ed-Flex does not go far enough. The waivers are limited to a handful of programs and are limited in scope. Dozens of other programs remain untouched by the waivers. Is an expanded Ed-Flex the way to go?

As outlined, the "Academic Achievement for All Act" offers a state another trade off, but one where the payoff is potentially far greater than Ed-Flex. A state could opt to apply for maximum flexibility, relief from categorical requirements and the ability to commingle state administered formula grant funds in exchange for demonstrating that student performance has improved. This is a bargain we could all live with!

But the devil is in the details. Here are some of our concerns:

- ***Districts would be allowed to execute a charter where the state has not done so.*** **Kansas has a strong history of local control, but allowing the 300 districts in Kansas the authority to circumvent the constitutional authority of the state is flat out wrongheaded. I did not miss the phrase requiring districts to "apply through the state". My concern is not the application process, it is in the relationship that would follow a completed application. As Pennsylvania Secretary of Education Gene Hickok told our NCSL committee last year, "the best way to federalize education is to establish a direct relationship between school districts and the federal government." On this subject, the NCSL policy is also very clear: A direct relationship between the federal government and a state or local agency is not appropriate.**
- ***The maintenance of effort provision directed to states should also apply to the federal government.*** **NCSL has consistently supported federal block grant efforts, only to see the Congress and Administration subsequently cut funding levels for the Social Services Block Grant, the Community Development Block Grant and substance abuse and**

mental health block grants. The threat to TANF block grants continues as well. We are not interested in a program that boasts fleetingly of a heightened federal effort—but carries no long-term commitment.

- ***The role of the U.S. Department of Education in the 'Charter' states is unclear.*** **Would the federal apparatus stay in place? What role would the Department play in the approval and monitoring process during the five-year charter period identified in the outline?**
- ***Since the Straight A's Act is an option for states to receive their federal education dollars as a block grant, we have included NCSL's Principles for Block Grants in my testimony.*** **Our time is limited and I will not iterate each of the items but I recommend that you take them into consideration as you debate this proposal.**

Forty-four years ago, the federal government radically changed the agenda for public education by passing the Elementary and Secondary Education Act. ESEA was a screen upon which many projected their own expectations. Some saw it as an anti-poverty program, some saw it as an economic development program and others as a civil rights program. For myself and my colleagues in the legislatures, ESEA was a

commendable effort to identify and meet the unmet needs of children in our education system. Targeting money to the disadvantaged and to those in need of remediation was honorable and necessary. However, that federal funding stream is now so encumbered as to seriously dilute its impact.

For those who fear that a proposal such as "Straight A's" would dismantle that effort, I would like to offer some reassurances. About two thirds of the states, including my own, use weighted funding formulas to provide extra funds for the disadvantaged and for at-risk students. We know from research that this is an effective use of our funding. Our adjustments are based on eligibility for free and reduced lunch and offer tremendous flexibility for districts and schools to use the funding to provide the best services for those children. Opting into the "Straight A's" would not change the way we in Kansas, and I dare say my colleagues in other states, would approach our responsibility for providing an education to <u>all</u> of our children. We have learned a lesson about inclusion that is no more likely to be forgotten in Topeka than it is in Washington.

Mr. Chairman, I conclude my remarks by suggesting that the Committee continue to work closely with state elected officials to further develop this proposal. The National Conference of State Legislatures would gladly convene a meeting of education legislators to work with the Committee to make our education dollars go further and do more for our nation's young people.

Thank you Mr. Chairman for your time and attention.

National Conference of State Legislatures

OFFICIAL POLICY

POLICY: **THE FEDERAL ROLE IN ELEMENTARY AND SECONDARY EDUCATION**

COMMITTEE: **EDUCATION, LABOR & JOB TRAINING**

TYPE OF POLICY: **CONSENT**

The National Conference of State Legislatures acknowledges the need to improve every aspect of elementary and secondary education so that America's young people will have an opportunity to compete for jobs in an increasingly complex society.

State policymakers regularly face issues such as teacher preparation, early childhood education, smaller classes, a more efficient delivery of services, classrooms and labs with high tech applications, better coordination with prospective employers and a governance system that minimizes duplicative administrative processes while maximizing resources. All of this must be accomplished so as to provide for opportunities for life-long learning.

Legally and traditionally, elementary and secondary education policy is defined broadly by state constitutions, specified by state statutes and implemented by local school districts under the framework provided for by the above and within the funding arrangements that have evolved from state constitutional beginnings and court interpretations. Thirty years ago, initial substantive federal involvement in education helped to identify under-served populations and address unresolved issues. Today, after decades of sweeping changes and reforms at the state level, the continued proliferation of minimally funded federal categorical programs has generated significant administrative burdens and unintended erosion of state policy authority.

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Direct federal assistance to education accounts for less than 10% of total funding but has a disruptive and disproportionate influence on the administration and delivery of educational services. This is due in no small part to the differing requirements of each categorical funding stream and to the duplicative application and record keeping systems that must be maintained. Federally funded state education administrators (an average of 40% in each state education agency) work for the state but are paid for by the federal government. This creates a class of employees accountable to both and therefore to neither. All federal funds should go to the state, for appropriation, and not to bureaucracies or agencies.

Rather than creating new marginally funded federal programs that offset existing funding, we recommend maximizing flexibility in existing programs through a reasonable consolidation of funding sources. These consolidations can preserve the major categorical programs (i.e. for compensatory education and special education) but combine smaller programs such as the multiple teacher training or technology grants into a flexible funding pool that can be targeted to meet state needs and priorities.

The nation's legislators commend the federal government for what it has done to identify the unmet needs of children in our education systems. But we ask the federal government to respect the progress, improvements and innovations made in our state systems. We insist that federal efforts acknowledge state constitutions and statutes and basic principles of federalism. Federal funds should not circumvent the state policymaking process by involving the federal government directly with individual schools, school districts or state departments of education.

NATIONAL CONFERENCE of STATE LEGISLATURES

The Forum for America's Ideas

Principles for Block Grants and Consolidation of Programs

Representative Daniel T. Blue, Jr.
Senate Majority Leader
North Carolina President, NCSL

Thomas R. Todcastle
Director of Bill Drafting and
General Counsel, Illinois House
Staff Chair, NCSL

William T. Pound
Executive Director

- The primary goal of consolidation should be to serve national purposes by promoting efficiency and lessening the administrative burdens of states in achieving the goals of the program.
- Maximum flexibility in terms of program implementation and administration should be maintained.
- State "maintenance of effort" clauses should not be included in program consolidation. Requiring states to spend a fixed amount while implementing decreases in federal funding for block grants is equivalent to an unfunded mandate.
- States should be authorized to determine the branch of state government that is responsible for carrying out public participation requirements.
- It should be made explicit that the previously funded activities of the various categorical programs that are being consolidated should not serve as limits to the types of services provided under the new block grant, nor should they be retained as mandatory categories of services within the combined funding stream.
- Technical assistance to states by federal agencies during transition to the block grants should be continued. States need sufficient transition time in order to successfully assume control of program administration.
- Reporting requirements should not be burdensome or require the use of funds that would otherwise be spent on program delivery. Additionally, no new entities should be created by the federal government to oversee the implementation of the block grants by the states.
- Funding levels for block grants must be adequate to continue the level of services provided under the categorical programs and to respond to economic changes.
- States should be accountable, but Federal laws should use state procedures when possible to achieve compliance with federal guidelines.

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APPENDIX F – THE WRITTEN STATEMENT OF MS. JENNIFER MARSHALL, EDUCATION POLICY ANALYST, FAMILY RESEARCH COUNCIL, WASHINGTON, D.C.

FAMILY RESEARCH COUNCIL
FAMILY, FAITH AND FREEDOM

STATEMENT OF JENNIFER MARSHALL
OF THE FAMILY RESEARCH COUNCIL
ON THE STRAIGHT "A"S REFORM PROPOSAL

Thank you, Chairman Goodling and Members of the Committee. I appreciate the opportunity to be here today to talk about one of the most promising proposals on the horizon of education reform.

I speak today on behalf of the Family Research Council. My organization is also involved in the EXPECT Coalition, which is an alliance of reform-minded organizations seeking Excellence for Parents, Children and Teachers. A number of these groups will later today be sending a statement to you and your colleagues in support of the Academic Achievement for All proposal. We refer to this proposal by the nickname Straight "A"s, which symbolizes the educational excellence we seek for American students through this proposal.

Straight "A"s would represent a significant paradigm shift in education thinking here in Washington. **Over the past thirty years, this town has been consumed with everything that goes into education and then surprised at the poor results that come out of American schools.** Straight "A"s would shift Washington's focus onto results, leaving the means up to the capabilities of the states. This is the first time that federal education involvement would focus on achievement rather than process.

When ESEA originally passed in 1965, it was a mere 32 pages long. Since then Washington has tried admirably to figure out what's wrong with education and what will make it right. But as a result, we today have an ESEA law that is almost 1000 pages long. Instead of providing *simple aid* to education, Washington today prescribes policy and even methodology. This has the effect of binding the very hands that we need to empower.

Flexibility
Today, if you wish to ensure access to educational excellence, we I urge you to take a different approach. Its first step should be a return to the simple role of providing *aid* to education, rather than making education *policy* here in Washington about how schools will be run and how students will be taught.

Washington should simply provide resources to those who can better make these decisions: state and local officials along with parents and other taxpayers. They are the ones who most capable of meeting the needs of the 47 million students in schools across this country. All Washington needs to be concerned with is the objective result:

is academic achievement improving?

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But rather than aiming for this one simple result, Washington education policy currently goes off in hundreds of different directions through the many categorical programs in existence today. The result is an attempt to do too many things and none of them get done very well.

Straight "A"s

The Straight "A"s proposal, on the other hand, would emphasize three key themes:

1. Straight "A"s would begin to simplify the federal role in education by making it *aid* to education rather than education policymaking.
2. Straight "A"s would give education professionals the flexibility to produce academic excellence among their students.
3. Straight "A"s would provide more objective, simple and direct accountability to parents and taxpayers to ensure that this added freedom reaps a harvest of excellence.

The Straight "A"s proposal would allow states the option of consolidating funding for a wide range of K-12 programs of their choice into a "flex fund" without the regulations associated with those programs. States could use combined funds for any state or local education priorities that do not violate state or federal law.

The Straight "A"s plan would change *how* education funds are delivered to states and localities, but it would not change *what* is covered by federal financial assistance. If states choose to include Title I and other programs targeted to low-income students in their Straight "A"s package, states must develop a method of distribution that guarantees low-income students are achieving higher results than under current law.

States that choose the Straight "A"s option would be free from program mandates in exchange for more objective accountability.

Accountability

Right now in federal policy, we have a lot of paperwork, but very little accountability about whether students are actually benefiting from all the fuss made here in Washington. Instead of asking for the simple data on whether students' academic achievement is improving, Washington asks states and localities for extraneous paperwork and process.

If we desire higher academic achievement for all our students then we currently have the wrong type of accountability. All Washington needs to know is whether students are doing better after state policies take effect than they were beforehand.

The Straight "A"s proposal would require states to do just that by administering the same test of the state's choice as a pre-test and a post-test after five years. Under the plan, states would designate their own widely-recognized test and the rate at which they hope to achieve academic progress on that test. States that meet their stipulated academic goals could continue along the path to increased flexibility and could qualify for potential bonus funding.

There is no clearer accountability in federal policy today.

Straight "A"s would change the relationship between the federal government and states. Recognizing that states and localities are the rightful directors of education *policy*, the federal government would simply provide aid to education while checking to see that the funding produces the promised higher academic achievement.

Who would like such flexibility in exchange for accountability?

Paul Vallas, CEO of Chicago Public Schools, testified to members of this committee at a recent hearing in Chicago:

"I think that the [Straight 'A's] proposal is a provocative idea and clearly an excellent starting point for congressional deliberations later this year. ... [W]e support the concept of combining as many federal programs as possible into one or two grants, tied to contracts for agreed-upon results, with appropriate penalties for failure and perhaps appropriate benefits for success. ... Do we want this type of flexibility? Yes. Can we make this work? I think the experience of the Chicago Public Schools since 1995 demonstrates that it will work."

And here on the panel today we have a mayor and state commissioner of education calling for the federal government to place greater trust in the hands of them and their colleagues.

Finally, about two months ago a governor of the President's own party called for greater flexibility in the newest categorical program, the class-size reduction effort for grades K-3. Gov. Gray Davis of California said, "[I]n California, this is one of the few areas where we're ahead in public education. We've already down to 20 per class size in K-4. So that money, which is supposed to be earmarked to an area where we've already pretty much achieved the goal, would best serve our needs by reducing class size in math and English in the 10th grade. ... So if [Washington] say[s] to the states, '...You just improve student performance, and we'll give you the money,' that will give all the governors the flexibility to get the job done."

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Gov. Davis has since been given a waiver to make the necessary exception to the rule. But Washington should not make education rules only to have to break them for the diverse needs of the nation. We urge this Congress to simply insistence on excellence in education results and leave the methods in the capable hands of the states and localities. Thank you.

Committee on Education and the Workforce

Witness Disclosure Requirement – "Truth in Testimony"
Required by House Rule XI, Clause 2(g)

Your Name:		
1. Are you testifying on behalf of a Federal, State, or Local Governmental entity?	Yes	(No)
2. Are you testifying on behalf of an entity other than a Government entity?	(Yes)	No
3. Please list any federal grants or contracts (including subgrants or subcontracts) which you have received since October 1, 1996: NA		
4. Other than yourself, please list what entity or entities you are representing: Family Research Council		
5. If your answer to question number 2 is yes, please list any offices or elected positions held or briefly describe your representational capacity with the entities disclosed in question number 4: Education Policy Analyst, representing FRC's education policy positions to constituents, media, and policymakers		
6. If your answer to question number 2 is yes, do any of the entities disclosed in question number 4 have parent organizations, subsidiaries, or partnerships to the entities for whom you are not representing?	Yes	(No)
7. If the answer to question number 2 is yes, please list any federal grants or contracts (including subgrants or subcontracts) which were received by the entities listed under question 4 since October 1, 1995, including the source and amount of each grant or contract: N/A		

Signature: [signature] Date: 5/19/99

Please attach this sheet to your written testimony.

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PERSONAL INFORMATION: Please provide the committee with a copy of your resume (or a curriculum vitae) or just answer the following questions:

a. Please list any employment, occupation, or work related experiences, and education or training which relate to your qualifications to testify on or knowledge of the subject matter of the hearing:

Certified teacher
Education policy analyst
(Bio. attached)

b. Please provide any other information you wish to convey to the Committee which might aid the members of the Committee to understand better the context of your testimony:

Please attach to your written testimony.

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Family Research Council®

JENNIFER A. MARSHALL
EDUCATION POLICY ANALYST

Jennifer Ann Marshall joined the Family Research Council in the fall of 1994. As an Education Policy Analyst, she monitors current education policy, coordinates an education network of reform-minded organizations, and oversees grassroots communication with regard to education.

Miss Marshall is editor of FRC's *Ed Facts*, a weekly fax/e-mail publication on education news. Her papers inform readers on such topics as parental choice in education, Goals 2000, federal involvement in local schools, classical education and homeschooling. She has served as editor of several popular FRC publications, including: the *Moms and Dads School Survival Guide; Home Remedies;* and *Bill Clinton, Superintendent: Micro-Managing Local Schools from Washington.*

Miss Marshall is a graduate of Wheaton College in Wheaton, Illinois, where she studied education and French. She is a certified teacher with training in many different settings, from inner-city Chicago to the Black Forest in Germany. She has had the opportunity to participate in public, private and home school environments.

Native to the midwest, Miss Marshall has also lived overseas in Taiwan, France and Germany. She currently resides in Maryland.

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APPENDIX G – THE STATEMENT OF THE HONORABLE LORETTA SANCHEZ, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

LORETTA SANCHEZ
46th District, California

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STATEMENT OF REP. LORETTA SANCHEZ
Educational Flexibility
May 20, 1999

I am both enthusiastic and concerned over recent discussions of flexibility in our federal education policies.

My support for the flexibility concept is based on its promising potential to rescue local educators and parents from excessive and overly burdensome red tape. At home in Orange County, I have listened to teachers and administrators tell of the massive amounts of paperwork, often in exchange for minimal funding levels, from Washington.

I have also heard my constituents' stories as parents express their concerns for the educational rights that should be guaranteed for their children. These rights are often endangered even with federal protection, and without that standing our children would be unacceptably vulnerable.

Many aspects of the proposed program amount to vouchers and block grants. I am particularly concerned about this proposal's impact on the children most in need of protection, those from low-income households with limited exposure to educational success and opportunity. I believe these students are better served by a consistent, rigorously protected federal program.

Our parents and teachers know best how to teach our children. But we must find ways that empower them while providing a strong safety net for our nation's students. I look forward to working with my colleagues to address these concerns.

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